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MONUMENT OF FRANCIS HORNER, M.P.
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London Pub.d 1843 by John Murray Albemarle Street

MEMOIRS

AND CORRESPONDENCE

OF

FRANCIS HORNER, M.P.

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ac

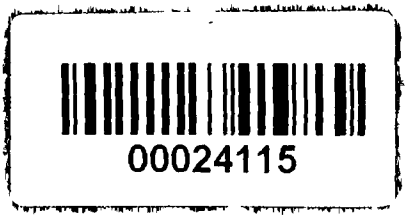
EDITED BY HIS BROTHER,

LEONARD HORNER, ESQ. F.R.S.

IN TWO VOLUMES.

VOL. II.

LONDON:
JOHN MURRAY, ALBEMARLE STREET.
1843.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MEMOIRS AND CORRESPONDENCE

OF

FRANCIS HORNER, M.P.

LETTER CXXXVIII. TO LORD WEBB SEYMOUR.

My dear Seymour, Wycombe Abbey, 17th October, 1809. 1809.

ÆT. 32.

WHEN I was at Taunton the week before last, I received the letter which you were so good as to write to me from Heslington. It was so far very satisfactory to learn, that from the time you left London till the day you wrote, you had been slowly getting better; but I am anxious again to hear from you upon the subject of your health. Do write me a single line about it; for I do not ask you to say a word to me about any thing else.

I mentioned to you a paper which Allen had drawn up, while he was in Spain, at the request of Jovellanos, upon the principles which ought to guide and direct the statesmen of that country, in attempting to found a free form of government upon the foundation of their ancient assemblies.* Since you left us, he has been induced to print some copies of this; and I have procured one for you, which I enclose under this and

* The Spanish edition of this pamphlet is entitled "Insinuaciones sobre las Cortes;" the English edition, "Suggestions on the Cortes." Both are dated 15th September, 1809. — ED.

1809. Æt. 32. two other covers. At the present moment, there seems but a slight chance to remain, that the Spaniards shall have any immediate opportunity of carrying into effect so great a design. But the reasonings of this short statement belong to all times, and may be of use in all countries; for not only has he given an appearance of originality and newness to a subject which is among the most trite, but it is the best exposition I have ever seen, in so small a compass, of the principles of representative government; and though our own subject of parliamentary reform was least of all in his mind at the time he wrote this at Cadiz, it presents the views on which I should deem it most useful to dwell, in executing that important and difficult measure.

My short excursion into Warwickshire proved very agreeable. I made the acquaintance of several persons whom I was curious to see, and of some whom I shall be very happy to see again. The remnant of the Lunar Society*, and the fresh remembrance in others, of the remarkable men who composed it, are very interesting; the impression which they made is not yet worn out, but shows itself, to the second and third generations, in a spirit of scientific curiosity and free inquiry, which even yet makes some stand against the combined forces of Methodism, Toryism, and the love of gain. I went among the manufacturers, and saw most of their curious inventions and processes; but what gratified me more than any thing, was the manufactory of steam engines, Mr. James Watt being so good as to devote a whole day to me. I spent another day with Mr. Keir, with whom I walked over Rowley

* For an account of the Lunar Society, see Arago's "*Eloge Historique de Watt*, in the "*Mémoires de l'Institut*," vol. xvii. 1840; and Muirhead's translation, p. 92. — Ed.

Hill; he showed me the basaltic columns, which have lately been laid bare on one side of it, and explained his *volcanic* theory of that district of country. Are you aware of the fine instance he has lately met with, upon sinking a shaft near the roots of Rowley Hill, of the charring of the main coal in the neighbourhood of the Rag? 1809. Æt. 32.

Do not keep me much longer from hearing again of your health, and believe me ever,

My dear Seymour,
Affectionately yours,
FRA. HORNER.

LETTER CXXXIX. FROM FRANCIS JEFFREY, ESQ.

My dear Horner, Edinburgh, 10th November, 1809.

I have received your article, which is now in the hands of the printer.* I am half in hope that when you see yourself once more bound up with your old associates, you will feel your ancient zeal for reviewing revive, and be tempted to resume the character of a contributor. I am sure it must do you a great deal of good, and be very soothing to your conscience, if you would. In the mean time, I thank you with all my heart for what you have done; and shall send you a copy of the number as soon as it is finished. I do the American Epic, Mrs. Montague's Letters, and Hamilton's Parliamentary Logic; all fastidiously.

Faithfully yours,
F. JEFFREY.

* The French translation of Mr. Fox's History, Edinburgh Review, vol. xv. p. 190. This was the last article which Mr. Horner contributed to the Review. — ED.

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LETTER CXL. TO J. A. MURRAY, ESQ.

My dear Murray, Lincoln's Inn, 11th November, 1809.

This will find you of course settled once more in Edinburgh for the labours of the winter session. I was very happy to be assured by Mr. Tait, whom I had the pleasure of seeing not long ago, that your labours of that sort increase upon you every year, and that there is every prospect now of your attaining, ere long, a very high station at the bar. The toil and drudgery are grievous, while they continue of the species that is allotted to juniors; but the harder you work at first, the sooner you will exchange that for more easy and agreeable work.

As I am now freed from the attendance at the Carnatic Office, which engrossed so much of my time, I am able to give pretty constant attention to what is going on in the Court of Chancery. The truth is, I am but as it were beginning that business; for in consequence of the irreparable error I committed in taking that office, I have thrown myself quite behind.

I have very little expectation that the unsettled state of the government will end in a Whig administration; and, upon the whole, I rather think that another attempt of that nature, in the present reign, is not much to be desired. In the precarious, unsure footing upon which they would have to act, with the Court hostile and deceiving them, and, on the other side an ill-disposed public, incapable of seeing their merit and public virtues, they could prosecute no systematic measures for the public good. They could not be efficient ministers, possessing neither the royal favour nor public confidence; and until they shall have secured one or the other, it is better,

both for themselves and for the country, that they should not attempt the administration of its affairs. Another experiment with this King, unless they are supported by the people, would speedily end as the last did, and with a farther loss of character; for their former experience in the closet ought to convince them, that honourable men cannot, with impunity, connect themselves, in public more than in private affairs, with a double-dealer; and in the present temper of the public mind, it would not be enough to govern better than others have done, nor would it be forgiven them if they only did as much good as they might find practicable. My own opinion is, therefore, that they ought not to accept office, except in the alternative, of either forcing the King's consent to the Catholic question, or of being loudly and distinctly called upon by the public to wave that question for the present, in order to avert immediate danger. 1809. ÆT. 32.

It is not very probable, under any circumstances, according to my view of these matters, that these men can retain for a length of time the favour of any king they are likely to serve. In a certain event, I expect that they will hold him just long enough to carry through one or two large measures, such as the Catholic emancipation, and an arrangement with regard to the Irish tithes, which, like the abolition of the slave trade, and the limitation of military service, will mark them out hereafter to those who will appreciate their conduct more truly than their contemporaries in general are capable of doing. Not that I have not some faint hopes, in which you will probably think me both sanguine and partial, that a time may come, in which they will acquire the confidence of the better part of the public; that is, a time when a taste and fashion may be revived in this country for the quali-

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ties and principles which entitle them to that confidence. ..My hopes of that sort are, however, but faint. The current of events, which has wrought such a change in the moral sentiments of Englishmen upon public affairs and characters, sets still in the same direction with unabated force. The old standards of public merit are broken; as the old feelings of constitutional control and order, as well as of national justice, are nearly extinguished.

I am told that Henning has made a good cast of Jeffrey, and another of Brougham; if you think them good likenesses, I wish you would get them for me, and send them by any opportunity that occurs. I expect my father in town to-day.

Affectionately yours,

FRA. HORNER.

LETTER CXLI. TO J. A. MURRAY, ESQ.

My dear Murray, Lincoln's Inn, 15th December, 1809.

I have just heard of Lord Grenville's victory at Oxford, which I cannot but consider as a very important event in a public view; it is in truth a victory both over the Court, and over the worst prejudices of the Church. The High Church is pulled down from its most ancient and formerly impregnable height: taken by storm in its strongest hold. The cry of No Popery is throttled. It will be found, I have little doubt, that it is the younger members of convocation, and those of the country together, who have defeated the resident monks of the University. And there is no prognostic so favourable and so sure, for the success of any improvement, whether in science or in opinion, as the distinct separation of the

young ones in favour of the improvement, from the inveterate maintainers of the prejudice. What Black so liberally owned to Lavoisier, is no less true in the history of political opinions among the people, ever since the press acquired its present power over those opinions; in our own times, we have seen instances, as in the case of the slave trade, and in some of the doctrines of political economy: the Catholic question has taken the same course, first among the members of Parliament, and now throughout the people. The generation of those who are still sincerely afraid of the Pope, will quickly pass away; though it is by no means improbable, that the King and his *protectors*, as Perceval describes himself, will make one more desperate and convulsive struggle. 1809. Æt. 32.

I am much vexed at the conduct of ——— in the commission*, though not in the least surprised at any conduct in such a common-place jobber as I have long taken him to be. It is deplorable that such a person, equally ignorant of English law, Scotch law, and general principles, should have any thing in his power upon the most interesting discussion of a legislative nature that ever took place in any country.

The more I see of English law, and the practice of its various courts, and the longer I study the operations of politics, particularly as affected by the administration of justice, I gain new impressions in favour of trial by jury; of which I should find myself at a loss to say, whether the institution does most good, by preserving the poise of the constitution, or by accelerating the despatch of private litigation, and by fixing the doctrines of law. The events of the last ten days in Westminster Hall are no inadequate

* On the Reform of the Court of Session.—Ed.

1809. Æt. 32. example of the first effect; when we see one jury resist a prerogative judge, who strained the law, and attempted to force them*, and another jury decide in a popular cause against the idol of the mob.† Of the other effects, I could give you many living proofs by contrast every time I pass from the Court of Chancery to the circuit, or from the circuit to the Court of Chancery. Nothing can be so idle or ignorant, as to talk of introducing English juries into Scotland; you must make the whole thing for yourselves, and you cannot make it but by degrees, groping out your way as you go: you may easily make it as good as ours, or better, in the detail and machinery; it is by taking the principle alone, and the spirit of the institution, that you may profit by the experience of England. My opinion has long been inclining to a conclusion, as I have probably hinted to you before, that if the jury form of trial were once grafted upon the law of Scotland, and trained so as to produce its full operation upon all the parts of the system, you will in the end acquire a more simple and complete frame of judicature, than we possess or

* This was a trial, on the 5th of December, before Sir James Mansfield, chief justice of the Common Pleas, and a special jury, in which Henry Clifford, Esq., barrister, brought an action for assault and false imprisonment against James Brandon, a servant of the managers of Covent Garden theatre; an occurrence that arose out of the riotous proceedings of persons in the theatre resisting an increase in the prices of admission. The jury found for the plaintiff, in opposition to the charge of the chief justice, who expressed much regret at the verdict, from which, he said, he feared very ill consequences were likely to result.

† This was a trial, on the 11th of December, before Lord Ellenborough, chief justice, and a special jury; in which Colonel Wardle (who had brought forward in the House of Commons charges of corruption against H. R. H. the Duke of York) prosecuted Mrs. Mary Anne Clarke (the duke's mistress) and two tradesmen of the name of Wright, for a conspiracy to defraud him. Westminster Hall was filled with a mob, whose shouts in favour of Colonel Wardle interrupted the proceedings of the Court. The jury returned a verdict of Not guilty.

For reports of these trials, see *The Times* newspapers of the 6th and 12th of December. — Ed.

can ever possess in England. I never have been able to see, what difficulty there would be, in sending your act and commission, when a proof is allowed, to be executed by the help of a jury under the direction of a sheriff or judge: very few alterations upon the present form of it would be necessary, and all those on the side of brevity and precision. This indeed would bring out, in almost all cases at first, a special verdict; but the ingenuity of advocates would soon contrive such forms of the Condescendence as would bring the points to a general issue, where they properly admitted of it: and on the other hand, one of the advantages of the constitution of the Court of Session is, that, like our courts of equity, it can, by the circumstantial form of its decree, give a more specific and appropriate relief, than is known to the common law of England; and therefore the verdicts, which are to be the foundation of such decrees, ought to be special, where the case demands specific relief, as well as where it does not admit of a clear separation of the questions of law from the matters of fact. From a very slight conversation I had with Mr. Alexander*, after his return from Scotland, he appeared to me to entertain views of this subject very like mine; but I was mortified to hear, what opinions prevailed in the commission against trial by jury. This cannot be the pure result of a consideration of it as a question of jurisprudence; they must feel a repugnance to the democratical nature of the institution, and a reluctance to surrender any portion of the power of their order. One half at least of the twelve judges might be got by the Crown at any time, to

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* Afterwards Sir William Alexander, and Chief Baron of the Court of Exchequer. — Ed.

1809. Æt. 32. give an opinion against the continuance of trial by jury in England: at no time more surely than now, when the most able and learned of the judges are devoted to the prerogative. It will be in all time to come most honourable to the memory of Sir Ilay Campbell*, that he has so constantly, and upon such just views, recommended the adoption of juries into the Scotch law, and that he is disposed to go as far as it would be expedient probably to go at first.

I never cease regretting, that the Edinburgh Review has wholly failed upon this momentous question; setting out with a clever, sceptical, flippant article against juries, and from that moment leaving the discussion to itself, that is, leaving it to the prejudices of the ignorant and the intrigues of the interested. It is not too late to repair in some measure this great neglect: why do you not write upon the subject?

Affectionately yours,

FRA. HORNER.

LETTER CXLII. FROM FRANCIS JEFFREY, ESQ.

My dear Horner, Edinburgh, 21st December, 1809.

I am afraid you will scarcely believe how grateful I am for your letters, when I take so long to answer them; but as you have never practised before the divisions of the Court of Session, and have no conception of my antipathy to writing and to early rising, it is impossible you can have any idea of the persecution I suffer at this season. Much as I love your long letters, therefore, I am afraid I can only repay your last by a short one. First of all, did you

* Then Lord President of the Court of Session.—ED.

ever doubt, my dear Horner, that you might do Turgot, or any body else, and to be just as long to him as you thought proper? If you would but feed my daily craving with some little matter in the mean time, I should never quarrel with your long gestation of the *Majora Opera*. For this reason, while I most freely commit Turgot to your discretion, I cannot help putting up a small petition for having your legal article before the end of January; that is to say, if you will not do another article for me by that time, which might probably be more immediately interesting. Murray read me several vehement remarks upon jury trials, from a letter of yours the other day; mixed with some traits of virtuous indignation at my unworthy treatment of that question on a former occasion. Now, why will you not draw up a little clear article on that most important subject? This whole nation, you may take my word for it, is utterly and entirely ignorant of the principles on which it should be considered; and nine tenths, even of the well-educated, in your adopted country, I suspect to be in the same situation.

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It would be worthy of you, I think, to open our eyes, and put the thing in a just and clear light. Now do not tell me that you may have to deliver your sentiments in parliament, and that you think it improper for a senator to appeal to the multitude. You know very well that you may discuss many most material points in the Review, which could not be discussed in the House of Commons; and at any rate, that the main use of all constitutional and popular discussion, in that assembly, is, that it may come to the multitude. Now, there can be no doubt, that it will come much more beneficially to them, in an article of yours in the Review, than in a blundering report in

1809. Æt. 32. a morning paper. I scarcely think you could be much moved by the fear of being supposed to steal your speeches from our book. The main object, I should suppose, with you, would be to do good; and I take it to be indisputable that the greatest good that argument can do, must be done by a printed argument in a work read, with some attention, by fifty thousand thinking people within a month after it is printed. Do think of this.

I used to know Bolingbroke pretty well; but it would take some leisurely reading to enable me to characterise his literary merit; I think highly of his style, but not quite so highly as you do: it is altogether noble and easy, but wordy, I think, and weak and perplexing. Are the letters of which you speak in English? I have not seen them. I have attacked Playfair for the article you suggest; but am not quite sure of obtaining it; he is very busy with his Huttonianism. Do you think Whishaw could be prevailed on to lend us a few hours work of his strong and virtuous reason?

Do, for Heaven's sake, let your Whigs do something popular and effective this session in Parliament. Cry aloud, and spare not, against Walcheren; push Ireland down the throats of the Court and the country; and do not let us be lost without something like a generous effort, in council as well as in the field. You must lay aside a great part of your aristocratical feelings, and side with the most respectable and sane of the democrats; by so doing, you will enlighten and restrain them; and add tenfold to the power of your reason, and the honour of your cause. Do you not see that the whole nation is now divided into *two*, and only two, parties—the timid, sordid, selfish worshippers of power and adherents of the Court, and the

dangerous, discontented, half noble, half mischievous advocates for reform and innovation? *Between* these stand the Whigs; without popularity, power, or consequence of any sort; with great talents and virtues; but utterly inefficient, and incapable of ever becoming efficient, if they will still maintain themselves at an equal distance from both of the prevailing parties. It is your duty, then, to join with that to which you approximate most nearly; or, rather, with that by whose aid alone you can snatch the country from imminent destruction. Is this a time to stand upon scruples and dignities? Join the popular party; which is every day growing stronger and more formidable. Set yourselves openly against the base Court party; bring the greatest delinquents to serious and exemplary punishment; patronise a reform in Parliament; and gratify what may be a senseless clamour, by retrenching some unnecessary expenditure. I doubt whether all this can now save us; but I think it quite certain that we shall have rebellion, as it will be called, as well as invasion, unless something be done upon a great generous system. Cobbett and Sir F. Burdett will soon be able to take the field against the King and his favourites; and when it comes to that, it will be hard to say which we should wish to prevail. Let me hear from you soon. I will write you a letter of Edinburgh news by and bye; at present I have none, but that old Adam, of the High School, is dead; an excellent, simple creature, and exceedingly useful.

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God bless you.

Ever yours,

F. JEFFREY.

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LETTER CXLIII. TO J. A. MURRAY, ESQ.

My dear Murray, Lincoln's Inn, 23d December, 1809.

I heard of poor Dr. Adam's death yesterday, which gave me very great concern: no man ever led a more meritorious and serviceable life, and I have always felt a most agreeable debt of gratitude to him, for the love he gave me in early life for the pursuits which are still my best source of happiness, as well as for the most valuable impressions in all subjects of political opinion. I could not refrain from sending a little notice to the Morning Chronicle, expressive of the real sentiments I entertained for him. I wish it had been more worthy of him; but something of the sort seemed to be due.

I shall be very sorry if, by an improper appointment, so excellent an institution as the High School should suffer any injury. Would it be possible to have Pillans made rector? I conclude he would accept of it. He would be a most fit master, and his late discipline at Eton would prove of great benefit to the school. I will write to Pillans, and put it into his head.

Somebody dropped a hint to me that there is to be a review of Canning's Statement in the Edinburgh Review. It seems to me, that such an article would be most improper; and I hope, if you agree with me, that you will use your influence with Jeffrey to prevent it. In my opinion, the Review has gone too much already into political reflections in their nature personal, and has too frequently overstepped the line by which it ought to bound itself in questions of politics, important on account of their general nature, but mixed also with those personal and merely party

considerations, in which the Review never engages without a loss of its proper character and usefulness. In another point of view, I should object to it, as far as I am myself concerned; for I will not run any hazard of being supposed to be concerned in anonymous discussions of personal character, even in public transactions; and that is a point upon which I have made up my mind. The matter, however, ought to be decided by Jeffrey, upon grounds which do not include any personal feelings of mine, who have done so little for the work; and I beg you will urge the more general reasons only to him, if you think with me about it, and consider what I have said about myself as meant for you only. 1809. Æt. 32.

I am never afraid of any thing that Jeffrey himself does; but I never open a new number without trembling for the possible indiscretions of his most able and most entertaining colleagues. Your report of Lord Webb is most comfortable.

Ever affectionately yours,

FRA. HORNER.

The following is the notice of Dr. Adam's death referred to in the preceding letter:—

"On the 20th instant died at Edinburgh, after a few days' illness, Alexander Adam, LL.D., Rector of the High School, having filled that situation for near forty years. His long life was to its very close an unremitted course of labour in the service of the public; all the leisure which the duties of his office left him being devoted to the composition of works for improving the methods of classical education in Scotland, but which were found to be so useful and accurate, that they have been received with approbation, and adopted in this country. To the most

1809. ÆT. 32. unwearied application, he joined an enthusiasm for learning, and for the liberties of mankind, and possessed the most perfect independence and integrity of mind. The men who were educated in that school, during his time, will long remember how he inspired his boys with an attachment both to himself and to the pursuits in which he instructed them, and will always regard his memory with affection and gratitude."

LETTER CXLIV. TO JOHN ALLEN, ESQ.

My dear Allen, Lincoln's Inn, 28th December, 1809.

I have never known where you were, or were to be, since you left town, otherwise I would have written to you, when I heard any news.

I hope Lady Holland is now quite well. I liked Lord Holland's speech very much, as given in the Morning Chronicle; except that part of it about the *panacea:* no friend of Parliamentary Reform ever spoke of it as such; that exaggeration is only imputed to them by the other side; it is not necessary to disclaim it for the sake of the people, who are apt to misinterpret such guards and qualifications, as a proof of our being lukewarm. No political measure, and especially no legislative one, ever could with truth be proposed as an immediate cure for many evils in the state; but perhaps none has ever been carried against prejudices, that was not prosecuted with as much ardour as if it were expected to prove a very *panacea.* The more I think about Parliamentary Reform, I am the more satisfied that good would result from making the representation more popular than it is; and if it is not done legitimately, the people of this country will

one day have a fight for it. I shall get back to town about the 13th of January. 1810. Æt. 32.

Yours most truly,

FRA. HORNER.

LETTER CXLV. TO LORD WEBB SEYMOUR.

My dear Seymour, Woolbeding, 3d January, 1810.

Before I received your last letter, I had been already encouraged by Murray's report of your health to dismiss for the present all my anxiety. I trust you will persevere in that course of idleness which has proved so beneficial to you, until you are again as stout as I once remember you; and, what I am persuaded is not of less importance, I hope you have ascertained what mode of exercise it is, whether on horseback or afoot, that does you most service. One thing I am very sure of, that you ought not to reside much in Edinburgh, or in any town, but in the purest of air.

I have been spending a few most agreeable days here. The weather has been like the settled mildness of October, just what makes it most enjoyable to saunter till sunset, and for half an hour more, in such a broken country; where every turn gives a new aspect, and yet the variety is so kept in character, that in the midst of roughness and waste, the eye passes to small landscapes of perfect smoothness without being startled, and without once disturbing that thoughtful indolence which the walk and the scenery inspire. This is the solitude I can command here: the company has been choice too, though they are all gone now but Mrs. Spencer, who is worth them

1810. ÆT. 32. all. Surely the stir and smoke of a town life, so far from deadening our sensibility to country beauties, render our pleasure in them of a still higher relish; at least I assure myself it is so with me; and I am no less certain, that frequent retreat into the country is necessary for keeping one's mind in tone for the proper pursuits of an active life, and for refreshing, in our imagination, those larger and distant views, which render such occupations most useful, and which alone make them safe. I am going from hence into Somersetshire, and in my way I am to pass two days at Bradley; the duke writes me word, that he thinks he has completed one of his schemes in language, and promises to explain his contrivance to me.

The circumstances of the Oxford election, and the line which Cobbett has recently adopted upon the question of Catholic Emancipation, concur in proving that the public of all classes, even as low as the multitude, have been most rapidly enlightened on that subject. There is not in my recollection a more remarkable instance of the beneficial power of the press; and I cannot conceive what greater encouragement we could have, to indulge hopes of the future prospects of England, than in so unequivocal a proof of the easy diffusion and reception of just opinions, when they are fully explained and perseveringly and temperately urged. I consider it as utterly impracticable, at present, for the court to raise a cry about popery, though it is but so short a while since that wicked expedient met with the most complete success, and had nearly delivered up the Catholic inhabitants of England and their property to assassination and flames. The cry next attempted will be for pity to the King, and indulgence to his conscience, in his old age —a topic which is not calculated now to have popular

currency, as appeared upon the occasion of the Jubilee, and which, at any rate, surrenders the subject of argument, by asking for time and mercy. Before a great many more years are gone, we shall have the government of Ireland established upon just and generous principles, and that will give us a strength to defy the world, and an unlimited range for the developement of all our internal resources. It is by a very perverse coincidence in point of time, that the greatest peril, we have ever been exposed to from foreign hostility, has fallen just in one of those periods, which are incident to our constitution by its nature, when the evils of the monarchical part prevail over its advantages; but if we overlive this crisis, there are numerous symptoms which begin to manifest themselves, in each of the three kingdoms, but especially in England, of a tendency to start forward, which cannot be repressed much longer; but upon the next change of the individual whose character most affects the condition of the country, will enforce maxims of administration more adequate to the necessities of the time, and more corresponding to the sentiments of the educated part of the people. The immense influence of the press, in making one democracy (as it were) of the whole population, has been gained but within these few years; and possesses in itself a living principle of increase, the operation of which is farther accelerated by the progress of national instruction in England, which Joseph Lancaster's perseverance seems to have pushed now beyond all risk of being stopped: nor is it unpleasing to observe, how surely, and how unconsciously, the aid which the King has given to Joseph in his plans, and the diligence of the Methodists in spreading their absurd fanaticism, co-

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1810.... operate to the same end. Let me hear where you are
Æt. 32. to be, and believe me, my dear Seymour,

Affectionately yours,

FRA. HORNER.

LETTER CXLVI. TO JOHN ALLEN, ESQ.

Dear Allen, Bradley, 6th January, 1810.

I rejoice exceedingly at the news you give me of Brougham's coming into parliament; and I am particularly glad that Lord Holland has had so great a share in effecting it. Brougham never could have found a more fortunate moment for setting out upon his career; which, though it may appear less brilliant at first, on account of the expectations which are formed of him, will be very speedily distinguished; and, upon the whole, I would predict, that, though he may very often cause irritation and uncertainty about him to be felt by those with whom he is politically connected, his course will prove, in the main, serviceable to the true faith of liberty and liberal principles. For him, personally, it will be very fortunate, if he has some probationary years to pass on the Opposition side of the House.

I am anxious to know what Grey and Grenville feel about the Catholic question, considered with reference to any overture that may be made to them. They ought to be prepared for such an event; and I most fervently hope that they will not only not flinch, but that they will not accept of office, without a distinct explanation that the thing must be done immediately. I know this amounts very nearly to a negative upon their undertaking the administration; but, after every view I can take of the subject, I come

always to the conclusion, that they will do more good to the country by conducting opposition upon that distinct principle, than by surrendering it for office. 1810. Æt. 32.

I saw Ward at Woolbeding; he is in excellent order and tone, and gives very good views of what may be said upon occasion of seconding an amendment.

Ever yours,
FRA. HORNER.

LETTER CXLVII. TO JAMES PILLANS, ESQ., EDINBURGH.

My dear Pillans, Lincoln's Inn, 19th January, 1810.

I am become very anxious about you, and impatient to have the thing over.* The pleasure I should otherwise have received, from your expression of "very encouraging prospects of success," is damped by what you mention of the injury and obstacles that you have incurred in your canvass, by the inference which is so unjustly drawn against your political faith, from the circumstance of your friendship for me. Some hints which I had before received to the same effect, induced me to abstain from writing any more while the canvass was going on, satisfied that your interests were in better hands. I knew long ago, how much the virulent spirit of faction entered into every concern in the narrow but active society of Edinburgh; and that there was no injustice to personal character, however ridiculous, that might not be apprehended in a competition of a public nature. But I was not so much aware, as I find now that I ought to have been, either of the importance, or of

* Mr. Pillans was then a candidate to succeed Dr. Adam as Rector of the High School.

1810. Æt. 32. the infamy, attached to my supposed opinions; nor was I egotist enough to have ever made the reflection, till it was suggested to me, that the suspicion of having kept my company might so proscribe a candidate with the constituted authorities of my native place, that neither acknowledged merit and fitness would avail him, nor to have it known that our intimacy was begun long before either of us was capable of forming any opinions upon any subjects. I am quite vexed, therefore, at one step which I took in your favour, by writing about you to the Lord President*; and the more so, because I did not resolve upon it at last, till after hesitation and a sort of misgiving, by which I ought to have been warned that I might possibly be doing you harm instead of service, though my reluctance at the time was only against writing to him without any previous acquaintance. I have so high an opinion of his general liberality of mind, that I will flatter myself he may still ascribe my letter to motives of friendship, and therefore not make use of it as evidence against you. But as he has no means of knowing any thing about me, I am afraid he will be open on this occasion to such impressions as others will be ready to give him, and therefore allow no other weight to my testimony than as to one of the gang vouching for another.

If you do succeed, it will be a great enhancement of your satisfaction, to have made no compromise with these inquisitors, who, to serve the purposes of a very low and selfish cabal, have established a presumption against every man's loyalty who thinks for himself, and have enacted, of their own authority, a degrading and injurious test even for offices of learn-

* Mr. Blair. See note, vol. i. p. 268.

ing. If you should fail, to have withheld such a compromise will furnish an adequate and permanent recompence, for the whole of your future life. 1810. Æt. 32.

For myself, I know, that reflections of that sort strengthen me for bearing, without much resentment, not only calumny, but even the ill-will of persons whom I respect; and encourage me to wait, without great impatience, for the tardy but certain establishment finally of a juster character. Nor should I often think it worth my while to regret the existence of such mistaken imputations, were it not upon occasions like the present, when they disable me from aiding a good cause as I could wish. *Nitor in adversum:* when I am better understood, I shall be more useful. Excuse the haste with which I have written an answer to your letter; for I am very busy. I shall rely on receiving intelligence of the event. My best wishes attend you.

Ever sincerely yours,

FRA. HORNER.

LETTER CXLVIII. TO J. A. MURRAY, ESQ.

My dear Murray, Lincoln's Inn, 22d January, 1810.

I had some expectation of hearing to-day what is to be Pillans' fate. It will be a very great satisfaction to both of us, to see so worthy and conscientious a man placed in a situation, in which he may be of the greatest use to thousands. If the President takes the part which you expect, he will prove with great lustre the superiority of his character above the creatures who have ruled Edinburgh patronage so long, and will entitle himself to the particular gratitude and

1810. Æt. 32. veneration of all those who have been sighing under that ignoble sway.

I rather apprehend that you have not received a very clear account of the difference of sentiment which, to a certain degree, prevails among the chief members of Opposition, on the subject of the Catholic question. It has been discussed a good deal, and different opinions have been proposed and compared, but no decided breach of sentiment has taken place. It is only a precautionary discussion, with a view to an event which possibly (I should say probably) will never happen; another message from the present king to Lord Grenville or Lord Grey. And the question is, whether, upon such an overture, Catholic emancipation should be stated to his Majesty as a *sine quâ non* of their undertaking the administration of affairs? It never has been proposed by any one, or hinted at in my hearing, that the government, in the case supposed, should be accepted of in such a manner, that they might consider it open for them to oppose Catholic emancipation, as members of parliament, on the ground that the King is against it: that would be a degree of profligacy, and a surrender of the constitutional liberties, of which none of the persons I am speaking of can be supposed capable. But what has been thrown out for consideration, is, how far, under all the circumstances of the present time, it is consistent with their public duty to decline undertaking the management of affairs, unless the King makes a sacrifice of his individual prejudices upon that subject. Now, though the opinion which I entertain has appeared to some of my friends as too peremptory and absolute, yet I am far from thinking that there are no difficulties in coming to a clear determination upon the point. However, after all the reflection I have

bestowed upon whatever I have heard insisted on by others, I return always to the same conclusion which I formed, when I first took the subject into consideration, at the end of last September, in consequence of Perceval's letter to the two lords. I would have them resolve, if they think of coming into office, to do something for the Irish Catholics without delay; and I would have them state such their intention fairly and explicitly to the King, when he sends for them. If they were to enter upon the government without that previous explanation, they would entangle their character in this dilemma; by abstaining from all mention of that irksome subject, their conduct would imply a pledge as dishonourable as an express one; or, upon the first mention of it, the King would again dismiss them with contumely, and with the most hurtful consequences to the country. What I look upon to be the great evils of our present political condition, are the bad opinion which the public entertain of the principles and steadiness of political men, and the loss of confidence between the aristocratical opposition and the democracy; even the waste of our finances and reputation, by the present incapable set of men, is, in my mind, a mischief of less momentous consequences, and more easily to be repaired by a change, than the crisis which may be dreaded from the farther growth of those former evils, especially the latter of the two. They would both of them receive a large increase, if the people were to take an impression, however incorrectly in point of strict conclusion, that the question of Catholic emancipation was abandoned for the sake of office; and I persuade myself, that a steadfast, calm adherence to that principle of administration would gradually restore the confidence of the honest and rational part of the people, in the

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1810. honourable, enlightened, and sufficient men, who are
Æt. 32. at present the chiefs of the English aristocracy. What I regard as the greatest good that could happen to our constitution, in its present state, would be a victory, by main force, over the Court, upon a great fundamental principle of liberty or toleration ; and though I agree that the chances of such an event are not very favourable, in the present strength of the Crown, and in the present bigotted state of the country in matters of religion, yet I do not even regard the chance of success as desperate; and it seems to me something very like acquiescing in despotism, for public men to govern their line of measures by an assumption, that particular measures, essential to the salvation of the country, cannot be carried against the individual opinion of the reigning sovereign. But next to that greatest good which could possibly happen, is the benefit to be derived from building up in the country a vast party, cordially united upon public principles, who, supported by the intelligence and activity of the middle orders, wait with cool resolution for the first opportunity, when they can demand, with decisive voice, the establishment of those laws and maxims of administration which are required by the necessities, as well as by the improvements, of the times.

My argument is wholly founded upon an idea, that by not making the repeal of the Catholic disabilities a direct and early measure in their government, the Whigs would lose all hold of the popular confidence, and all chance of establishing a character for political integrity and sincerity. Were I not convinced that such would be the consequence, I should be willing to let them do all the other good that they are ready to effect, and to save us at least from the perils which

the incapacity of the present ministers renders so near; and I would consent that they should postpone the emancipation of Ireland till it is practicable. But for the purpose of effecting partial good, and for carrying on the administration with any degree of security and system, a cabinet which is an object of suspicion to the King, must be upheld by public opinion; and to accept of office under circumstances which would lose them that opinion, would be yielding themselves up to the King's mercy, to be cast out again, with no refuge among the people, and foregoing the chance they have upon the demise, which cannot be very distant, of forming a stable and patriotic government. 1810. Æt. 32.

What is most urged against this my position, of the loss of public character by temporising about the Catholic question, is, that the people are not in favour of Catholic emancipation. But this is not satisfactory. In the first place, I am not sure that the people are so wrong, or at least obstinately so, upon that subject; for though there is still a good deal of bigotry, it seems to me so much weakened, and better opinions to have gained so much ground in the educated classes of the people, that it is now fit for those who are impressed with a sense of the urgent practical and immediate utility of the measure, to force it upon the people as well as the King. But in the second place, even if the Catholic claims be unpopular, I do not see that this will save the character of those who have hitherto maintained the necessity of the concession, and who would seem to relinquish it for the sake of power: it is possible, that that very relinquishment might make the claims more acceptable to the people; and I should conjecture, from Cobbett's recent wheel upon the question, that that very sagacious

1810.—Æt. 32. judge of the popular sentiment felt that, in the expected abandonment of the Catholics, he would gain fresh materials for degrading the characters of public men among the multitude: besides, though the people like their Protestant prejudices, what they like much better now is a great man who will not take office. This may be carried, in some instances, an unreasonable length; but the sentiment has been gradually produced by circumstances, which make the imputation upon which it is founded not so unreasonable. I have been so often interrupted since I sat down to answer your letter, that you will probably find me far from perspicuous in the statement which I have attempted of my reasons for thinking as I do at present. But they will be sufficient, I hope, to draw from you your views and opinions upon the different points which the consideration includes. Of course this is in the nature of a confidential subject; for it would be improper in the persons concerned, to declare any formed opinion upon a case which may never be submitted to them; and, in truth, I do not believe that they are yet furnished with a settled opinion.

Ever, my dear Murray, affectionately yours,

FRA. HORNER.

LETTER CXLIX. TO J. A. MURRAY, ESQ.

My dear Murray, Lincoln's Inn, 23d January, 1810.

Nothing has given me so much gladness and satisfaction for a long course of time as Pillans' success. It makes a most worthy and deserving man independent for life, in the situation which he is best suited for, and which he will delight in, and be proud

of. It is a great benefit gained to the Edinburgh system of education, and it is a triumph to liberality and independence of thinking. I must own that the electors and their advisers have gone much beyond my expectations; their conduct is truly honourable to them. I take it for granted that they have been chiefly directed by the President, and the weight of his character. 1810. Æt. 32.

You may remember a subject which I mentioned to you in the course of last session; the sale of offices in courts of justice; a practice which I proposed to abolish, but, at Perceval's suggestion, postponed the consideration of the subject, that he might try what could be done regarding it. Within the last ten days, a commission under the great seal has issued to the six junior Judges and two junior Masters in Chancery, directing them to report, before the 1st of May, what offices are saleable, and what compensation ought to be made to those who at present have that perquisite. I have not learned that a similar commission is issued for Scotland; but I mean to ascertain this as soon as I have an opportunity.

Ever truly yours,

FRA. HORNER.

Parliament met on the 23d of January, and on the 1st of February Mr. Horner took the initiatory step in the inquiry into the alleged depreciation of Bank notes, which he afterwards so ably conducted. It was this measure which first brought him into general notice as a member of the House of Commons, more especially in the following year, when the publication of the Report of the Bullion Committee, the debates in both Houses of Parliament, which arose out of that

1810. Report, and the measures that were adopted relative
Æt. 32. to the currency, excited the public attention to a high pitch. On this occasion, he moved for a variety of accounts and returns respecting the existing state of the circulating medium and the bullion trade. He said, —

"That it was his decided opinion, that it was necessary for the House to make an inquiry into the causes of the present high price of bullion, and the consequent effect upon the value of the paper currency, not only on account of the real importance of the subject, but in consequence of the great misconceptions which too generally prevailed respecting the causes of the actual situation of the country, with reference to this subject; that the most effectual mode of investigating this highly interesting question would be by a select committee, and that it was therefore his intention, on an early day, to move for such a committee: but that it would be not only convenient, but indispensable, in the first instance, to obtain all such information, on the whole of the subject, as papers might afford; which information could afterwards be referred to the committee." — After some farther general observations, he concluded by moving for eight different returns respecting bullion and the issue of Bank notes.

The committee was nominated on the 19th of February, without any preliminary remarks by Mr. Horner. It was directed, "to inquire into the cause of the high price of gold bullion, and to take into consideration the state of the circulating medium, and of the exchanges between Great Britain and foreign parts." It consisted of twenty-one members *,

* Among the members of the committee were the following: — The Right Hon. Spencer Perceval, Chancellor of the Exchequer; the Right

and met on the 22d, when Mr. Horner was chosen as chairman. It continued its sittings till the 25th of May, having sat thirty-one days, and examined twenty-nine witnesses. Mr. Horner was in the chair at twenty-one of the meetings: between the 19th of March and the 16th of April he was absent on the circuit, when the chair was generally taken by Mr. Huskisson. 1810. Æt. 32.

On the 8th of June, Mr. Horner presented the Report of the Committee to the House.

LETTER CL. FROM J. A. MURRAY, ESQ.

My dear Horner, Edinburgh, 8th Feb. 1810.

I was much gratified with your note of the 30th. I had before heard various reports that you were to form a part of a new administration. You were sometimes designed Secretary for Ireland, and various other political situations were assigned to you. The same morning that your letter arrived, I had some conversation on the subject before I received it, and I expressed my belief very confidently that you would not accept any political situation. If I had received your letter at the time, I might perhaps have been a little more reserved in expressing my opinion than I was, when I did not even know that it had been offered, and felt no restraint from that circumstance, and your kind and friendly confidence. You have decided most wisely for your own hap-

Hon. George Tierney; the Hon. James Abercromby (the present Lord Dunfermline); Henry Parnell, Esq. (the late Lord Congleton); Alexander Baring, Esq. (the present Lord Ashburton); William Huskisson, Esq.; and Henry Thornton, Esq., Bank Director, and author of the work on the Paper Credit of Great Britain, reviewed in the Edinburgh Review by Mr. Horner, in October, 1802. — ED.

1810. Æt. 32. piness, and I think well in every other respect. I believe there is no department in which your attainments and views can be of so much use as in that which you have traced out for yourself. If you remain out of office, your weight and influence upon general questions will increase every year. You will have the choice of those in which your interference may be of use; and in the great department of the legislation connected with English law, the circumstance that you belong to the profession will give you more authority and influence, than you would have were you to leave it. Who is there to second Romilly, and to succeed to his views and principles in the profession? In all great and essential points you agree, and the tone of your opinions is more English, which may enable you to make improvements palatable, which he has failed in accomplishing. Much is also to be done in opposing bad laws, and there the circumstance of being a lawyer is of great importance. I consider a new ministry as now out of the question.

Ever yours truly,
J. A. MURRAY.

LETTER CLI. TO SIR SAMUEL ROMILLY.

My dear Sir, Lincoln's Inn, 10th February, 1810.

It appears to me to be very important that you should publish your speech of last night, if you can possibly find leisure for it while it is still fresh in your mind.* The irresistible argument for your par-

* "*Feb. 9th.*—I moved for, and obtained leave, to bring into the House of Commons three bills to repeal the acts of 10 & 11 Will. III. c. 23., 12 Anne, st. 1. c. 7., and 24 Geo. II., which punish with death the crimes of stealing privately in a shop goods of the value of five shillings, and of stealing to the amount of forty shillings in dwelling houses, or on board vessels in navigable rivers. The Solicitor-General, with his usual panegyrics on the wisdom of past ages, and declamations on the danger of

ticular bills, which is founded upon the returns, will not be seen in all its force, unless the numbers are all set down; and then I am quite persuaded, that, upon the subject of a reform of the criminal law, the public is quite ready for instruction, if delivered to them with the authority of your name, and with the attractions which your topics of reasoning and illustration cast over the argument. It is because you cannot know this so well as others, that I take the liberty of suggesting to you to make this exertion, always an irksome one, but which will be greatly and immediately useful. It will tend very much to make your future progress, in the same subject, more easy. Nothing seems to me so certain now, as that parliament in all these matters of legislative improvement follows only the public opinion; and that to overcome in the House of Commons the resistance of which Plomer is so worthy a leader, you must bring the weight of public opinion to bear upon the House, by enlightening it through the press. On the subject of the criminal law, the prejudices are all among the lawyers; the public in general seem to have none, and at the same time take a lively interest always in such discussions. 1810. ÆT. 32.

Ever, my dear Sir,

Sincerely yours,

FRA. HORNER.

interfering with what is already established, announced his intention of opposing the bills after they should be brought in."

"*March 12th.* — I published the substance of my speech of the 9th of February, in the form of a pamphlet."

Memoirs of Sir Samuel Romilly, (1st edit.) vol. ii. p. 303.

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LETTER CLII. TO LORD GRENVILLE.

My Lord, Lincoln's Inn, 11th February, 1810.

The unsatisfactory returns which are made to the orders which I moved for in the House of Commons upon the subject of Bullion and Currency, and the ready desire which was expressed on both sides of the House to see that subject fully examined, induce me to propose in a few days the appointment of a select committee. But before going so far in a matter of such public importance, I feel an anxious wish to have the sanction and benefit of your Lordship's advice as to the proper objects, as well as the best course of investigation; in order that it may be conducted to an useful result. Hitherto, I have abstained from forming any conclusion, even in my own mind, respecting the causes of the present state of money prices; nor am I sure that I have yet gained a clear and exact notion of that change, whether depreciation or not, of which the cause remains to be ascertained. In this suspense of opinion, I have been desirous, before I enter into the inquiry, to collect the various solutions which the difficulty may seem to admit of at present, while our information is incomplete, in order that the search for farther information may be so directed as to bring each of those explanations to the test. I fear that I ask too much of your Lordship, whose time is so filled up, in requesting that you would have the goodness to instruct me in the views, which your Lordship entertains upon this important question; but I am prompted to make that request, by my anxiety to get into the right tract through so intricate a subject, and by my conviction that injury of no slight degree may be done to the public interest

by taking a false step, and even by the publication of erroneous opinions. 1810. Æt. 32.

I have the honour to be, my Lord,

Your Lordship's faithful, obedient servant,

FRA. HORNER.

LETTER CLIII. FROM LORD GRENVILLE.

Dear Sir, Camelford House, 12th February, 1810.

I saw with the most lively satisfaction that you had announced an intention of taking up a subject of so much difficulty and importance as that of the present state of the currency of the kingdom, and of the trade in bullion. It would give me great pleasure to have an opportunity of conversing with you on the subject at whatever time would best suit your own convenience. I am generally at home from twelve to two, but I could with equal convenience fix any other hour that might suit you better, and be less liable to interruption.

The difficulty of arriving at any precise opinion as to the causes of the existing evil arises in great degree from the concurrent operation of so many circumstances wholly unprecedented. Nothing but a well conducted inquiry ascertaining as distinctly as may be the real effect (as it is now practically experienced) of each of these circumstances, separately or combined with the others, can give one full satisfaction as to the application of those theories, which one's general notions of the subject would lead one to form upon it. But on a general view, I am inclined to attribute the effect complained of, in a very great degree, to the stoppage of money payments at the Bank —a measure originally adopted to meet a sudden and

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very urgent pressure, but, I think, very ill calculated for any long continuance. While the necessity of money payments then continued, every increased demand for bullion, which either the ordinary fluctuations of trade, or the extraordinary circumstances of these times, occasioned, was immediately felt there, and was met (or ought to have been so) by adequate measures to diminish the circulation of paper, and by a corresponding issue and importation of bullion, by a body possessed at all times of a considerable store of that article, and having both capital and commercial means for rapid purchases and importations.

I am far from thinking that the question admits of so simple a solution as to be answered merely by a reference to this single principle — but I am inclined to believe that its operation will more or less be traced through all the complicated details in which the subject is involved; and I entertain sanguine hopes that, under your conduct, the inquiry will lead to an issue satisfactory both in the elucidation of this branch of political science, and in the practical measures to which it may lead.

Believe me ever, my dear Sir,
Most truly and faithfully yours,
GRENVILLE.

Note by Mr. Horner, dated the 3d of April,* 1810.

"In the late vote on the Walcheren question†, there were many members, I doubt not, who voted with

* After he had ceased to keep a journal, Mr. Horner appears to have been in the habit of making notes on separate slips of paper, to which he affixed a date, usually under some general title, such as, "Political Anecdotes," "Political Philosophy," "Temper of the public Mind," &c. — ED.

† On the 30th of March, Lord Porchester moved a series of resolutions condemning the conduct of ministers in the late expedition to the Scheldt. The last of the resolutions concluded with these words: — "And that the

ministers, though they condemned the whole of their conduct in that fatal expedition, from a sincere conviction of the superior fitness and excellence of the present set of ministers, for holding the government, in the present circumstances, above any other set of public men. 1810. Æt. 32.

"The vote of such men may have been given, in consequence of their perceiving, that if the House condemned that expedition by a vote of the majority, the King would be compelled to change his ministers. I have no doubt that a sufficient number of men were influenced by this manner of considering the thing, to give the ministers the majority they had, when added to their crowd of corrupt, devoted, or unthinking partisans. Perhaps, this is far from being the only instance that might be mentioned, in which well-meaning and disinterested members of parliament have been deterred from voting in condemnation of a particular measure of government, lest the effect of that vote should go farther than they wished, and lead to an entire change in the administration.

"In this manner, it would appear, that the weight and importance which belongs to a vote of the House, upon what is called a ministerial question, is itself a cause of the House departing, in particular instances, from its professed and proper line of duty. And thus the power which the House has over the crown, does, in a certain respect, make it likely to fall into disrepute with the people. The regular division of political reasoners and public men into two distinct parties, in this country, has probably led to this state of things in the House of Commons.

advisers of this ill-judged enterprise are, in the opinion of this House, deeply responsible for the heavy calamities with which its failure has been attended." On the division, 275 voted for ministers, and 227 for the resolutions; giving ministers a majority of 48. — Ed.

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"Whether such a state of things be more or less expedient, than that other, more agreeable at least to the theory of the constitution, in which the parliament should exercise its controlling and inquisitorial functions, by adhering, as nearly as human nature will permit, to the exercise of a sort of judicial opinion upon the merits of each particular measure of government, is a speculative question of some curiosity and difficulty. That it is not wholly a speculative question, however, may be seen from this, that a certain number of members in the House of Commons at present profess to act independently of party; and one or two of those who profess it, do in fact keep themselves independent. A considerable difference has taken place in the circumstances, by which this question of expediency is to be solved, since the increase of reading, and of the daily press, has brought almost every question of government and parliament to the bar of the people; who will of course pronounce upon each question separately, without looking to the distant operation of a more complex system of conduct, and may therefore come (as they have done) to look upon parties in parliament as a juggle, and parliament itself as uninfluenced in its decisions by any regard to the real merits of the questions which are discussed there, or to the interests of the public."

On the 26th of March Sir Francis Burdett was committed by the House of Commons to the Tower for the publication, in Cobbett's Journal, of "a libellous and scandalous paper, reflecting upon the just rights and privileges of this House." Sir Francis brought an action at law against the Speaker for issuing the warrant for his arrest and imprisonment, and

another against the Sergeant-at-arms generally, for executing the warrant. 1810. Æt. 32.

On this subject there is the following note by Mr. Horner, dated the 6th of May:—

"The proceedings at law on the part of Sir Francis Burdett against the Speaker of the House of Commons raise this question,—whether the House ought to suffer its Speaker to appear in the court below and plead, or to deny that its privileges shall in any manner be examined and judged of in any court of law; and so to exercise its power of commitment, for breach of privilege, against every person who takes any step in those proceedings, as by intimidation to put an end to them."

"It is a subsequent question, whether the Speaker shall plead to *the jurisdiction*, or shall plead the orders of the House *in bar* of the action; which does not arise, until after the Speaker has entered an appearance. The prior question is, whether he shall appear and plead."

Letter CLIV. TO LORD HOLLAND.

Dear Lord Holland, Lincoln's Inn, 9th May, 1810.

I wish to take a copy of the papers you have sent me, for my own use in future; and then I will return them to you. I am to dine at Calcraft's on Saturday, and may be kept too late for the play, where I will come to see you if I can. But it will not be in my power to go to Holland House, for I mean to be seriously busy for some mornings to come, in order to ease my conscience of many a heavy load, and my table of some papers that stare me daily in the face, to my great disquiet.

I am ashamed to say that I am in a sea of difficul-

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ties and doubts about privilege; and what keeps me so long in uncertainty is, the confidence with which I hear both the opposite opinions maintained. I am much shaken by Pigott's speech; and though I see Lord Erskine's is as much relied on by the other side, it was so wild and foolish as to give me a still greater bias. Then there are Romilly and Wilson the other way, and the latter especially has great weight with me, so much am I the slave of authority on such occasions; but in such an emergency, when my oracles give discordant responses, I mean to try if I can form an opinion for myself, provided I can get leisure.

I wish you had heard Lord Grey's short speech, as the best specimen of his manner.

Most faithfully yours,

FRA. HORNER.

On the 18th of May, Mr. Davies Giddy brought up a second report from the committee appointed to consider the notices of action sent by Sir Francis Burdett. On the motion that it be laid on the table, and printed, Mr. Horner said, —

"He was surprised that the committee should have thought it necessary to go into such details, with respect to a right, which the House undoubtedly had exercised from time immemorial. He did not think the committee were entitled to go into an argumentative detail upon the subject; and if such a report should be received without any notice being taken of it, the foundation of the privilege might be brought into doubt, where, otherwise, there could have been no reasonable ground whatever of doubt on the subject. He believed this was the first time that a com-

mittee appointed for an inquiry into the privileges of the House had resorted to the authority of the courts of law and of judges. He believed it had been the constant maxim of the most enlightened men who lived in times when the principles of liberty were at least as well understood and acted upon as now;—men who had defended the liberties of the people through the privileges of that House,—that their privileges were not to be judged of by analogy to common-law proceedings, nor to be founded upon the authority of judges. But, not content with adverting to common-law proceedings, and the authority of judges, the committee had gone into a detailed reasoning upon the general expediency of this privilege. This did appear to him to be going beyond their authority: they should have looked at the Journals, and stated simply in their report what was to be found there as to the privileges of the House; they ought not, in his opinion, to have entered upon general discussion as to the question of utility. They would not, he believed, be borne out in the course they had taken by the practice of the best times. Then they said that the existence of the privilege had been assented to in a conference with the House of Lords: this did appear to him an improper mode of supporting the privileges of the House of Commons. Their dissent could not have weakened the real foundation of these privileges." 1810. ÆT. 32.

The subject was resumed on the 23d of May; and, after several members had spoken, Mr. Horner rose to move the recommittal of the Report, with a view afterwards to move resolutions declaratory of the existence of the privilege to the utmost extent to which it had been claimed. He said,—

"The more he considered the objections which he

1810. Æt. 32. had on a former occasion stated to the Report the stronger they appeared to his mind. He objected to the reference to the authority of courts of law, and to the admission of the existence of the privilege on the part of the House of Peers. He objected to the argument founded upon the analogous proceedings of courts of law. The authority of the common-law courts to proceed by summary attachment was founded on immemorial usage; that of parliament could not rest on any such foundation. He thought these matters extraneous, and calculated only to throw a doubt upon the existence of the privilege; which doubt might have the most pernicious effect at a future period, if the time should ever arrive when the Crown might find it convenient to join a popular clamour against the House of Commons. All this irrelevant matter, he thought, ought to be struck out."

He concluded by moving, that the Report be recommitted; but his amendment was negatived, without a division.

LETTER CLV. TO J. A. MURRAY, ESQ.

My dear Murray, Lincoln's Inn, 22d May, 1810.

I am not sure that you will be of opinion that the House acted right in its vote of Friday last, respecting the question of privilege; resolving, that the Speaker should plead, with an understanding (not expressed in the resolution) that it should be a plea in bar. I cannot say that I am so well satisfied, as not to have something like misgivings in my own mind, that we may have yielded up part of what I am convinced ought to be retained in full possession:

but the most prudent persons think the course taken to be the right one, and I admit that I see no other course to which there are not more conclusive objections. Those who are against the House of Commons, in its claim of privilege, among whom I am sorry to say are the best of our lawyers, quite concur in the vote; they think the privilege ought to be over-ruled by a court of law, and they are glad that this form of plea, by admitting the jurisdiction, will give the court an opportunity of deciding against the claim. These lawyers and the republicans are in unison about this. The ministers, and we who concurred with them, think the Court will respect the privilege. The more rigid Whigs are alarmed by this very appearance of concert among such parties, who, how repugnant so ever to one another in their ultimate views, are all of them more or less adverse to the constitutional power and authority of the House of Commons. It is of the essence of the republican spirit, to hate every semblance of discretionary power, and particularly the complex structure of a mixed government, in which there is a conflict of such powers, and to insist that all authority should be reduced to the rules of a constant law administered in a course of judicial proceeding. The lawyers are brought to the same conclusion by the habits of their professional life, and resent, as a sort of reflection cast upon the perfection of their system, every departure from their modes. The present ministers, who are almost all lawyers, bred upon the lowest benches of the forum, are guided partly (I have no doubt) by their old habitudes, though much more by the convenience of taking that course which shall most easily bring to an end, or seem to bring to an end, their present difficulties. Both the republicans and the lawyers appear to me wholly mistaken,

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1810. Æt. 32. as to what it is possible for the law, judicially administered, to accomplish; as well as what the constitutional law of this country has provided for cases like that which has occurred. It is not in human nature possible to frame a government without leaving a certain power, not indeed arbitrary and wholly without rule, but discretionary, and to be exercised within certain rules, according to circumstances. The peculiar character of the English constitution is, that that portion of discretionary power is shared among the several constituted authorities, instead of residing in one; and the chances of an improper exercise of it are lessened, by the checks which are thus established. The doctrine of the lawyers, and that of the republicans, tend to the establishment of a simpler frame, whether of democracy or monarchy, in which they would speedily find that there would still be a discretionary power somewhere lodged, and that the universal dominion of the law would still be disputed, as the judicial law would still be inadequate. The only plan that has yet proved successful, in confining this discretionary power within proper limits, is that system of mutual controls, which results from the partition of this power among the several branches of a mixed government.

My view of parliamentary privilege is this, that it is not a law to be applied (like the rules of criminal justice) to every case that occurs, and which is brought before the court, but a discretionary power, to be exercised or not, and to the full extent of the rule, or much short of it, according as it shall, upon a view of all existing circumstances and probable consequences, appear to be useful and necessary, or otherwise, that such an interposition of authority and punishment should take place. But then I have another doctrine, that this power is not

unlimited and undefined, but of limits and a definition which may be certainly known, by consulting properly the records of parliamentary customs and usage. I think the House of Commons has an ancient and most necessary criminal jurisdiction, excluding all other courts, for the punishment of offences committed against itself and its members as such; and whoever will read the Rolls and the Journals, in the spirit with which all precedents ought to be studied, (not to square the circumstances of particular cases, but to extract the principle which is implied in all of them, the principle which was aimed at in the precedents of good times, and which, in those of bad times, was made the pretext of violence,) will have no difficulty in collecting the evidence of this right of jurisdiction, as well as its fixed and due limits. I cannot at all approve of the doctrine, which Mr. Ponsonby quoted the other night, with approbation, from Blackstone, that it would be inexpedient and hazardous to the independence and authority of parliament to have its privileges defined. They seem to me to be all very plainly defined already, as much as things of that nature can be; and if they were not, I should think it most wise to give them at length that definition. We have defined prerogative, which was, perhaps, a bold experiment in government; the success of it may satisfy us that there is no hazard in bringing privilege, if it be yet to bring, within the bounds of legal description. But by legal description, I do not intend a statutory enactment, and still less the more narrow conception of the law as administered in courts of justice, but in the manner practised in all ages by parliament, by a resolution of the House itself.

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I have no manner of doubt, that the Judges in Westminster Hall will recognise this privilege in the

1810. present instance. They are bound, by the law, to
ÆT. 32. recognise it; and unhappily the present instance of its exercise comes from that quarter, with whose feelings they are always found too uniformly to sympathise.'

Ever yours,
FRA. HORNER.

LETTER CLVI. TO C. A. MURRAY, ESQ.

My dear Murray, Lincoln's Inn, 11th June, 1810.

Before the inhabitants of Edinburgh are scattered into the country, I wish very much you would take some opportunity of sounding them upon the question of Scotch Parliamentary Reform. The longer I live, I become the more keen on that subject; both because I become daily more convinced that there is no part of the kingdom which would send more useful representatives than Scotland would, if there were a popular choice; and because it is manifest that none of the other great objects can be gained for Scotland, such as jury trial, until you have more active representatives. The measure will never be carried without a very decided opinion in favour of it, indeed a strong call for it from Scotland; such as there seems to have been, before the excesses of the French revolution stopped the progress of all our political improvements. I know there is no such anxiety upon the matter at present; but one should like to feel the pulse, and guess, whether by administering proper materials, the fever could once more be brought on. * * * *

Yours most affectionately,
FRA. HORNER.

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LETTER CLVII. TO J. A. MURRAY, ESQ.

My dear Murray, Lincoln's Inn, 26th June, 1810.

The Report of the Bullion Committee is not yet out of the printer's hands; so that those who praised it to you were liberal enough to bestow that praise upon credit. I can let you into the secret, however, that the Report is in truth very clumsily and prolixly drawn; stating nothing but very old doctrines on the subject it treats of, and stating them in a more imperfect form than they have frequently appeared in before. It is a motley composition by Huskisson, Thornton, and myself; each having written parts, which are tacked together without any care to give them an uniform style, or a very exact connection. One great merit the Report, however, possesses; that it declares, in very plain and pointed terms, both the true doctrine and the existence of a great evil growing out of the neglect of that doctrine. By keeping up the discussion, which I mean to do, and by forcing it again upon the attention of parliament, we shall in time (I trust) effect the restoration of the old and only safe system.

The story you heard of Lord Erskine and the Prince had some foundation; but was exaggerated, and the scene was mislaid. There was some argument between them about privilege, at a dinner at the Foundling Hospital, which was magnified by Erskine's enemies into a sharp and angry dispute. But I understand it was at a private dinner that the retort you allude to was made by the Prince, who, when Erskine said the principles he maintained were those which had seated H. R. H.'s family on the throne, said they were principles which would unseat any family from any throne.

1810. Æt. 32. I have no idea that there is any serious displeasure felt by the Prince against Erskine on this account; though Erskine has not left it to this day for him to prove, that rather than yield his public opinions he is ready to encounter that displeasure. His opinions upon this occasion are, I think, quite erroneous; his prejudices as a lawyer, perhaps an itch for popular favour, perhaps too a dislike of the House of Commons, all conspire to lead him wrong. The House of Commons was not his theatre of glory; he was perpetually losing there the fame he won in Westminster Hall.

I am more surprised at Romilly having erred, as I cannot but think he has done; and I regard it as a striking proof, how difficult it is for a man, whose mind is trained in the course of administering justice, especially if he be a lover of liberty, to allow the propriety or necessity of any thing like discretionary power being left any where. Both the habits of a lawyer's mind, and the sentiments which compose one's love of liberty, are in favour of the simpler system of constant and known rules and forms for every case that occurs; and the true theory of freedom is, unquestionably, to carry that principle as far as possible. For my part, this question came upon me by surprise: I hesitated a good deal, before I acquiesced in the doctrine of privilege, to the extent to which I would now be prepared to state it; but I am satisfied now, after as accurate a view as I can take of what is the real necessity, that it is necessary for the efficient existence of the Commons' House, that they should be entrusted with the discretionary privilege of punishing, by commitment, those who either obstruct or libel them.

I regret deeply that Romilly is on the other side of this great question; it weakens both the claim of pri-

vilege and his reputation that they are not found together. You need not, however, be under any apprehension, that he does not stand well with our party: no lawyer ever stood higher than he does in the House of Commons, or more thoroughly possessed the confidence of his party. 1810. ÆT. 32.

What a curious scene was exhibited last week in this city; and what would John Wilkes or Cardinal de Retz have said, to such a false step as Burdett has made, in failing to appear in the procession prepared for him. He has acted in that a more temperate and peaceable part, than I had previously given him credit for; but it is manifest, that his conduct is inconsistent with itself, that all he had done before required him to go on, and that he had advanced too far in the popular race to turn back. His popularity is accordingly very much impaired. The agitators and desperate spirits have had it proved to them, that he is not a leader for them, and has not mettle enough; and the good-hearted mob have found, to their disappointment, that whether it be want of courage, or too good a taste, he will not always enter into all their noise. The more intelligent of his party must be satisfied, that he is deficient in resolution, and cannot always be depended on. His powers of doing mischief are diminished, therefore, if he ever had any mischievous designs, which I do not believe; and if the public were once satisfied that he is no longer popular with the multitude, and thereby formidable, I think he has qualities that would enable him, in his way, to do good occasionally, and to assist other public men in doing good in theirs. Vain he is, no doubt, and always acting upon the suggestions of others, and those often inferior to himself; but he has a prompt indignation against injustice and oppression, one of

1810. Æt. 32. the best elements of the passion for liberty; and by great and fortunate labour he has acquired a talent for speaking in public. I believe he loves his country and the ancient institutions. I think, too, he has considerable candour in judging of the talents as well as motives of other men; but there have been some symptoms of a very pitiful jealousy, towards those who have interfered with him in his own line of Westminster popularity. He has rendered himself a remarkable man, though I fear he is not likely to do any great or lasting service to the public: his late transactions have extended his popularity beyond the capital, to which it was confined before; but in the end they have lessened it in the capital.

I have been led, without thinking, to write a great deal more about these matters than I intended when I sat down: they are more the notions which have presented themselves in writing than the result of much reflection, so I beg you will help me to make them more correct, if you think me wrong.

I am glad you saw so much of Mr. Wilson*; because you would then see, for yourself, that the high opinion I have of his sense is not exaggerated. He has one of the most clear-sighted intellects I ever knew, and certainly the most free and erect one; he has neither prejudice, nor error, nor levity. He always sees things in their just proportions; and he always arrives at the right conclusion by the shortest way. Since the illness last year, which induced him to give up his profession, and in a great measure detached him from the world, he has seemed to me a still more instructive and interesting person to converse with than he was before: he is a mere spectator,

* Mr. George Wilson. See note, vol. i. p. 192.

but with as active a spirit of curiosity and observation as if he expected to remain long among us, though he is, in a manner, separated already from us and almost from life. He has reduced to practice the purest and most fearless philosophy, and reaps the best fruits of it in the most entire tranquillity of mind, and all the pleasures of benevolence and enlightened speculation. 1810. Æt. 32.

Most sincerely yours,

FRA. HORNER.

LETTER CLVIII. TO FRANCIS JEFFREY, ESQ.

My dear Jeffrey, Lincoln's Inn, 16th July, 1810.

I am just returned to town, after an absence of about ten days. The Bullion Report, I am rather surprised to find, is not yet delivered from the printers; I revised the proof sheets before I left town. I would rather do something for you myself, if you will let me know the utmost time you can allow me; rather, I mean, than trust that subject in the hands of any of your mercenary troops, one of whom was guilty of deplorable heresies in the account of a book by one Smith. I will do a short article for you this time, to do justice to Mr. Ricardo and Mr. Mushet, who called the public attention to this very important subject at the end of last year.

Will you allow me once again to protest against your suffering so much party politics in the Edinburgh Review? You know my sentiments on that point long ago; nor would I now obtrude them, if I had not been led to feel with increased weight the justness of all my former objections, by the manner in which the last number has been received. I am

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quite sure the character and efficient usefulness of the work is very considerably impaired; and it appears to me to be of great public importance, that that injury should be retrieved as speedily as possible. The power of the Review over the public mind, which was once so great, and is still very considerable, depended very much upon that general tone of politics, which, when it was the transcript of your sentiments, it almost uniformly preserved. But the turn it has taken of late, by descending to questions between ministry and opposition, and even to individual crimination, has lowered its name, and given a prejudice against all its opinions and reasonings, even upon other occasions. Some time before I left town, I heard a long conversation about the Review between Lord Holland, Tierney, and Allen, in which they all expressed the same opinion which I have now taken the liberty of representing to you; and I think you ought to give the more weight to a sentiment, in which so many persons agreed, who would naturally feel very differently about the Review. You would hardly have expected that Tierney would refuse any party aid from the press; and, in truth, I believe his opinion upon the subject was taken up in this light, that a more powerful aid was given by the Edinburgh Review to the Whig party, composed as it is at present, and still more to the questions and principles to which that party is pledged, while the work preserved its independent judicial air of authority, than it can furnish by all its activity and skill as a partisan. I meant to have told you of this conversation before, which impressed me very strongly at the time, as conclusive evidence of the effect which the recent conduct of the Review had produced upon its own reputation. But I felt some reluctance in urging a topic which might be a disagree-

able one to you, on account of the difficulty and delicacy you might feel in acting upon my view of the matter, even if you agreed with me. Brougham has been too useful and powerful an ally, to make it easy for you to point out any change you might wish for; but when I recollect the many admirable articles he formerly gave you upon more general subjects, I own that I regret very much that he should misplace his compositions so much, as to print in the Review what he ought to speak in the House of Commons. 1810. Æt. 32.

I wish very much that Brougham and I were upon such a footing that I could state these things to himself; but that has been long otherwise: a consideration which more than any other has made me backward in stating them to you. But I have been latterly so much urged by other persons to use my influence with you, that I have been induced to make that effort upon this occasion.

I must not conclude without thanking you very gratefully for the pleasure I received in reading your extracts from Crabbe's Borough; some of which, particularly the Convict's Dream, leave far behind all that any other living poet has written. Does not your critique, in some of its expressions and illustrations, break in a little upon the doctrines which you urged against Wordsworth? In the general principles, I am satisfied, you are consistent; and as far as I am capable of judging of such matters, I think you right; but a captious person might set you in some sentences against yourself. You must some day or other bring your thoughts on the philosophy of poetry and poetic expression into the form of a systematic essay; which I shall insist upon your polishing with much care. That, and a little treatise on the ethics of common life, and the ways and means

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Believe me always affectionately yours,

FRA. HORNER.

LETTER CLIX. TO J. A. MURRAY, ESQ.

My dear Murray, Salisbury, 7th August, 1810.

It was quite a pleasure to me to receive a letter from you again. I could not help fancying sometimes you might be unwell; though, upon the whole, I satisfied myself that you must be busy.

I will certainly give you the meeting in Dublin, and on the earliest day on which I can reach it. I must of course remain till the Somerset assizes are almost over, which will not be till Friday the 31st instant. I calculate that if I am not disappointed in places, and have an ordinary passage, I may land at Dublin early in the morning of the 4th. You cannot rely upon me however for that day.

If you should come there sooner, I hope you will see as much as you can, that we may be off for Killarney without delay; which I agree with you ought to be our chief object. I have a great curiosity to see something of an Irish court of justice. The lawyers will probably be upon their circuits at that time; but you may as well ask if the Recorder's Court at Dublin has any sittings.

Most affectionately yours,

FRA. HORNER.

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LETTER CLX. TO HIS MOTHER.

My dear Mother, Killarney, 13th September, 1810.

We came here last night, having made two days of it from Limerick, and rather tiresome ones; I had the pleasure, upon my arrival, to find your letter of the 5th instant, which had been forwarded to me from Dublin, together with one from Warwick.

I hope you got the note from Dublin; which I wrote immediately after I landed, that you might be relieved from your fears about the deep sea. I was very lucky in being able to reach it, the very day we had fixed as the first that we had a chance of meeting; by travelling two nights in the mail, and being fortunate enough to get on without delay either at Birmingham or Shrewsbury; at both which places I changed coaches. I left Bristol on Monday evening at seven, and was at Holyhead on Wednesday about two in the afternoon. The packet sailed about an hour afterwards; but we were three and twenty hours upon the passage, and near twenty of those were to me hours of mortal sickness: I thought of poor Jonah in the whale's belly, and fancied myself in as bad a plight, as I lay in my crib with nothing to relieve me in my nausea, but the sighs of sympathising Welsh, Irish, and Scotch around me, men, women, and children. I had just retired to my berth, and was in my first pangs, when I heard the loud, good-natured, vulgar voice of a raw-boned Scotch lad, asking the cabin-boy, for information only, if "ony body was seek yet?" I cannot say that I had not some satisfaction for a moment, when I heard this bumpkin, about an hour afterwards, expressing himself in very different tones, as if he was about to render up his

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We spent the best part of two days in Dublin. It is rather a handsome town; the quay along the Liffey, with the bridges one after another, four or five of them, gives a fine town view; and there is one point, where several public buildings are assembled together, the College, the Parliament House, and some others, to which I should be at a loss to say what there is in London that is equal; Whitehall I think is not. The public offices in Dublin are all very ornamental buildings; the Custom House is most talked of, but I would praise the Parliament House, now the Bank, more highly. We went a few miles out of Dublin, to see the Phœnix Park, and a gentleman's seat called Luttrel's Town; the last is always recommended to strangers, but is hardly worth their while; we were much more pleased with the grounds of the Duke of Leinster, a little farther on, and with the situation of the village of Leixlip.

From Dublin we went to Limerick by the mail coach; through a tame country, level the greater part of the way, all (except where there is bog) under cultivation, and passing (in the county of Tipperary particularly) some wild villages. The cultivation of every thing but potatoes seemed to be sorry; but its extent is so great, as to give the idea of an immense produce, even if we did not see the multitudes who crowd the whole country. All that I had heard in description of the numbers of the Irish, and of their dirt, rags, and beggary, seems to me now

to have been short of the truth. The streets of Limerick were like a great fair; though it was not even market day; and this from morning to night. It seemed as if every house had poured out its inhabitants; yet every cellar we looked into seemed full. It was more or less the same in all the towns and villages we came through; and we never went a mile upon the highway, without seeing a great many persons. None of them seem to have any thing to do; through all that we should call the working hours of the day, we saw large lasses, and lads six feet high, lounging round the cabin doors. It is literally true, that the only appearance of industry we saw, was in the number of schools that we observed on this side of Limerick; schools for the ragged children of those same cabins: and we two or three times passed a little swarm of them sitting on the outside, to all appearance because it was quite full of them within, reading, writing, and ciphering. Murray got into conversation with one of the schoolmasters, in a village where there was not a hovel better than a hog-sty, who was a young man, and who told him that Telemachus was one of the books he read with the children. All this, when one sees the idleness of the people and the backwardness of the country, is a little puzzling. With this idleness, and dirt, and nakedness, they look a much happier people than I have seen in any part of England or Scotland; the English peasant is a torpid animal, and the Scotch one eaten with care, compared with the light-hearted cheerful people of this country. They seem for ever talking, and in a high tide of spirits; their volubility is somewhat distressing, and their language is more full of submission than is pleasant, because it reminds one how they have been taught it by oppression; but among themselves, they seem to

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have a great deal of merriment and enjoyment. They have all of them a real share of sharp drollery and imagery; enough to mark them as entirely a different race of people from those on our side of the Channel. I have seen but very little in the course of these few days; but all this, I think, I have observed distinctly. It is very likely they have not the same steadiness of understanding, which makes the Englishman always a master of his own particular profession, and which makes the Scotchman (who seldom knows one profession thoroughly) ready to turn his hand to almost any one, and to get through it well enough to thrive by it; but the Irish have a quickness, readiness, and sharpness, which the others seldom possess.

Nothing has surprised me so much in Ireland as the excellence of the roads; all the way from Dublin, even into this unfrequented country, they are most admirable, and must have been made at a great expense. Probably, there has been particular attention paid to this since the rebellion, from political considerations; it is a care well bestowed, and must assist very rapidly the civilisation of the country. We came from Limerick by Adair, Newbridge, Glyn, Tarbert, Listowel, and Tralee. The views we had of the Shannon going down to Glyn, and of the mountains at Tralee, were very fine. We have spent this day upon the lower and middle lakes here; I must write another letter about this place: we have the best of it yet to see, but I would say already, that it exceeds greatly all the scenery with which I have been hitherto acquainted.

With kindest love to my father and my sisters,

I am, my dear mother,

Most affectionately yours,

FRA. HORNER.

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LETTER CLXI. TO DUGALD STEWART, ESQ.

My dear Sir, Lincoln's Inn, 16th November, 1810.

I was much chagrined, upon my coming to London, to find that no copy of the Bullion Report had been sent to you from the Vote Office, though I wrote from the circuit expressly to desire it, and I had taken for granted that it had been sent. It is now out of print; but there is a copy which I have lent to a gentleman who is now in Yorkshire, and which, as soon as I can recover it, I will send to you; if I should not be fortunate enough to procure another sooner. I hope you have got Huskisson's tract, and pray let me know if you have Mr. Blake's, which is very good; the subject has produced much discussion in England, and I have no doubt will, within a year or two, be practically settled agreeably to our views. Every day, I hear of converts. You could not do me a greater favour, than by communicating to me what particular points there are in the doctrine stated by the committee, on which you either entertain a different opinion, or feel difficulties; for myself I will own, that there are a few instances, in which I think the argument has not yet been placed accurately upon the right grounds, as there are some in which I contented myself (in drawing my part of the Report) with assuming what might have been deduced from principles, but not without an air of more theory and general speculation than I thought it prudent (on account of my own situation) that the Report should bear. I suppose it is with respect to the wages of labour, and the pay of the army and navy, that you wish we had spoken out more fully, and followed out the consequences of our reasoning. I think the time will come

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when all those consequences ought to be explained without reserve; but in first breaking the subject, against the prejudices of a large portion of the English public, and against the arts of misrepresentation, which Government and the Bank were sure to put in practice, it seemed more advisable to rest the argument upon those grounds with which it was most difficult to mix any topics of declamation; and the more so, as a single hint, with respect to those other momentous consequences of a depreciated currency, is more than sufficient for all who are already acquainted with the principles of such subjects.

I was in the minority last night against the renewed adjournment.* The difference among us upon that motion, though it may be represented as party disunion, will have no bad consequences; I rather think the contrary. The constitutional principle is saved by so strong a protest; and the conduct of the rest of the Opposition secures the party from any charge of indelicacy towards the King, or undue eagerness to make the most of the present crisis.

The account of the King is, that he had some fever again yesterday, that he has had some sleep in the night, and that his fever is again a little abated. I beg to be most kindly remembered to Mrs. Stewart,

And am, my dear Sir,

Most truly yours,

FRA. HORNER.

* An adjournment of the House for a fortnight was proposed by the Government, on account of the King's illness. — ED.

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LETTER CLXII. TO J. A. MURRAY, ESQ.

My dear Murray, Lincoln's Inn, 29th Nov. 1810.

It was very negligent in me not to satisfy you about my health, which is now perfectly good.

Huskisson's pamphlet is excellent. There are still some points in the theory of this subject not quite cleared up; and I can put my finger now on one or two parts of the Bullion Report, from which I dissent. There is one especially, from which indeed I dissented at the time I drew up the Report, but adopted it as the sense of the majority of the committee, and particularly Huskisson, Thornton, and Baring; which is this, that the whole depression of the exchange was originally occasioned by the state of trade, and that the operation of the excessive and depreciated currency was to prevent its restoration. This way of stating it gives a confusion to the reasoning, and involves, I am satisfied, an error in principle; inconsistent, indeed, with the very foundation of the argument. Depreciation must produce, under all circumstances, its appropriate and proportionate effect upon the foreign exchanges; and produces that effect independently, though it may be combined in the result with the effect produced upon the balance of payments by political or commercial circumstances. It may, in some instances, require a good deal of address to separate, in a particular instance of the exchange with a foreign country, those other circumstances, the effect of which is mixed with that of depreciation; and in some instances, from our imperfect knowledge of the state of the currency of the other country, with which our exchange is stated, the case may stand for a while

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unsolved, and apparently as an objection, which it is not in reality, to the general conclusion.

I have not read the whole of Blake's pamphlet; it seemed to me very perspicuous and satisfactory: I shall read it in a day or two. I had dismissed the subject from my mind as soon as the Report was presented, but am now deep in it again. The discussion, which is in great activity in London, will do much good; and enable us to set a good many questions at rest. You cannot do me a greater favour, than by stating to me any doubts or difficulties that you feel upon any part of the question. Bosanquet's dexterous but somewhat unfair pamphlet has given me a good deal of exercise in this way: he leaves the main argument quite untouched, when his misapprehensions of the facts are explained.

The recommendation in p. 33. of the Report, that the Bank of England should be permitted to issue notes under 5*l.* for some little time after the resumption of payments in specie, is founded upon this principle, that the former policy of the legislature ought to be resorted to, by prohibiting their issue of notes under 5*l.* The reason upon which that rests is, that it is important to have a certain proportion of specie in actual circulation, in order to prevent those sudden panics respecting the credit of paper among the common people, which are always attended with inconvenience. Smith's principle is, that the paper circulation should be confined as much as possible to the transactions among the dealers, and that there should be as much specie as possible for the transactions between the dealers and the consumers. If I recollect right, he grounds this principally upon the inconveniences which the consumers must suffer when there is any sudden failure of credit, which

diminishes the value, or impedes the circulation, of the smaller paper. There is another thing to be taken into account, which I have not yet considered so fully as to have a clear view of it: I suspect, however, that convertibility alone of all paper into specie, without an actual interchange of a certain portion of specie circulating along with the paper, is not sufficient to secure the permanent value of the paper. The American states have nothing but paper in common circulation; it is all convertible by law into specie, but coin is seldom if ever seen: I suspect that they have an excess of this paper, and that its relative value is lower than it would have been if there had been always an interchange of specie. But, as I have already said, this is a part of the subject which I have not sufficiently examined. I am very anxious to get at the truth on every point of it; and I really think I have no prepossessions about it, nor have laid up any opinion which I am not ready to examine and to dismiss, if it will not stand the test. You know my declared hostility to all argument and controversy in conversation, but I delight to have materials presented to me for self-examination upon my opinions. 1810. Æt. 33.

I am inclined to think that the King, if he does not die from bodily weakness, will recover from his present madness; but probably not for several weeks. The question for the parliament seems to be, how long can the government go on without the monarchy; in this respect, the royalists are playing rather a hazardous game; and as I am all for the monarchy, I wish the country and the parliament were aware of this danger. In a mere party point of view, it is much wiser to let the ministers have all the time they wish to gain; for nothing is more to be dreaded,

1810. Æt. 33. in the present circumstances of the country, than a short interval of a new administration, under a precarious regency.

Ever most affectionately yours,

FRA. HORNER.

LETTER CLXIII. TO J. A. MURRAY, ESQ.

My dear Murray, 20th December, 1810.

Perceval wrote to the Prince yesterday, announcing his plan of a limited regency, exactly like that of 1789; except that he is to be allowed to confer peerages for signal military or naval services, and that the duration of the regency, so limited, is fixed for a year, and six weeks after the commencement of the next session of parliament; like the restriction upon the distilleries. The Prince's answer was, in substance, this; that this communication was made to him, not like that of Mr. Pitt after the two Houses had passed certain resolutions, upon which it was no longer fit for him to animadvert; but before such resolutions were proposed to parliament, which he could not anticipate that parliament would now agree to; if they should be passed, he would then refer to his letter of 1789, for the sentiments and principles which he still retains.

After he had sent this answer, he summoned, in the evening, all his brothers and the Duke of Gloucester; and stated to them what had passed. They drew up a letter to Perceval, which they *all* signed, protesting against a restricted regency. This is something like business.

Yours ever affectionately,

FRA. HORNER.

Parliament stood prorogued to the 1st of November, but had not been summoned to meet "for the dispatch of business;" and as the commission, which had been prepared for a further prorogation to the 29th, could not receive the King's signature, by reason of his Majesty's illness, both Houses met on the 1st. On the proposition of Ministers, an adjournment for a fortnight was agreed to; on the 15th, another adjournment to the 29th took place, and a third on that day to the 13th of December; the alleged uncertain state of the king's health forming the ground for these proceedings, and the consequent postponement of the important measure of appointing a Regent. 1810. Æt. 33.

On the 20th of December, the House of Commons resolved itself into a committee of the whole House, to take into consideration the state of the nation, in consequence of the mental derangement of the King. Ministers proposed the appointment of the Prince of Wales as Regent, and that the appointment should be made by a BILL. Mr. Ponsonby, the leader of the Opposition, moved an amendment, that an ADDRESS should be presented to his Royal Highness, praying that he would assume and exercise the sovereign authority, during the continuance of the king's indisposition, under the title of Regent.

A long and interesting debate ensued, in which Mr. Horner spoke at some length, strongly urging the adoption of the latter course of procedure, as more consonant with the principles and maxims of the constitution. That his speech made a great impression, appears not only from the remarks made upon it in the House itself, but from the following letter, which he received from Mr. Cobbett, who, at that time, published the most accurate reports of the debates in parliament:—

1810.
Æt. 33.

Sir, Newgate*, 30th December, 1810.

From what I have heard from several gentlemen, and especially from Lord Folkestone, I must believe that your speech upon the Regency question was one of the most important of the whole; and it is with great mortification that I perceive that my reporter has imitated those of the newspapers in giving you about a dozen or twenty lines. I did not know this till yesterday, when I had to review the matter prepared for the first part of the debates of this session; if I had sooner perceived it, I should sooner have made an application to you, to request you to have the goodness to write out, from your notes or recollection, the substance, at least, of what you delivered upon that occasion; for, I should be guilty of shameful partiality were I to neglect any thing in my power to give your speech its proper space in these debates. But I should inform you, that it was not till the debate, in which your speech would have been, was actually going to the press, that I discovered the omission; whence you will perceive the necessity of my having any report of it, that you may be pleased to furnish me with, as soon as possible.

Mr. Budd, who is the bearer of this, will bring me your answer; and if he should not find you at home, I beg the favour of an answer by letter, as soon as possible, seeing that the press is now waiting.

I am, Sir, your most obedient, &c.

W. Cobbett.

* Mr. Cobbett was then undergoing imprisonment for a political libel. The Mr. Budd he mentions was his publisher. — Ed.

To this letter Mr. Horner sent the following answer, a copy of which is written on the back of Mr. Cobbett's letter:— 1810. Æt. 33.

Sir, Lincoln's Inn, 30th December, 1810.

I owe you my best thanks for your obliging attention, in giving me an opportunity to insert in your Reports a note of what I said the other night.

But I am unable to avail myself of it; as my arguments turned chiefly on what had been urged by others in the course of the debate, I could hardly bring the different topics to my recollection, without taking more time to do it than you can spare me.

I have the honour to be, Sir,

Your obedient humble servant,

FRA. HORNER.

On receiving this answer, Mr. Cobbett sent a second letter, as follows:—

Sir, Newgate, 31st December, 1810.

Upon consulting with my printer, I find, that, if we wait till the 10th of January for your speech, it will not do us much injury. If, therefore, you will let me have it by that time, I will wait for it, being extremely anxious that my Debates should not appear without it. Your answer, left with Budd, or sent here, will very much oblige

Your obedient servant,

W. COBBETT.

On the back of this letter, there is the following memorandum in Mr. Horner's handwriting:—

1810. ..."31*st Dec.* Said to Budd, I should send him a
ÆT. 33. note."

I have given the report of Mr. Horner's speech on this great constitutional question, in full, in the Appendix. It is the only one of his speeches in parliament that he corrected, as far as I am aware, except a short one on the Scotch Judicature Bill in 1815. Mr. Cobbett says that his reporter had given "about a dozen or twenty lines" to the speech; it is evident, therefore, both from the length and the style of the report, that Mr. Horner must have written as full an account of what he had said as he could recollect, after an interval of a fortnight from the day of the debate.

LETTER CLXIV. TO FRANCIS JEFFREY, ESQ.

My dear Jeffrey, Lincoln's Inn, 18th January, 1811.

I received Malthus's manuscript from you, and have since transmitted it to him, with such remarks as occurred to me in perusing it.

The Quarterly Review was sure to be right about depreciation; being under the command of Canning, who is under the command of Huskisson. I have heard it is George Ellis, who has set Sir John Sinclair upon his black ram. By the way, I wish you would take Sinclair's *two* pamphlets into your own hands, and make fun of him, in a good-natured way. You would do me a peculiar service, if you will deal with his currency, as you did with his longevity. The inconsistency of his opinions at present, with those which he published in 1797, in a pamphlet against the Bank restriction, and which he repeated in the strongest terms in 1803, in the second volume of his

History of the Revenue, is rather a matter of grave charge, for which he ought to be put upon the defensive. I am told that George Chalmer has put forth a volume against us, more extravagantly wrong than even Sinclair; perhaps you could contrive to put them side by side into one frame, and exhibit the pair of portraits, like Noodle and Doodle in their old tie and buckle, and in the full complacency of conscious wisdom. 1811. ÆT. 33.

The subject you suggest of the present state of commerce, with all its circumstances, and all the considerations, both retrospective and in prospect, that naturally belong to it, is a noble one, but of very difficult execution. I do not know what to say about peace: I should like, of all things, to have, for my own judgment, the benefit of the views which you could suggest; but for the sake of the public, I really think your opinion ought to be very deliberately weighed and confidently formed, before you give the sanction of your authority to sentiments and expectations, which, though remarkably dormant at present, may be raised any day among the people to an unmanageable size.

Upon the question of peace, I parted company with some of my best advisers, and you (I fear) among them, at the moment of the Spanish insurrection; thinking that the circumstances of that event recommended an extension of hostilities, upon the very same principle, which condemned the original hostilities on our part, with which this long war commenced. However persons may differ, as to the policy of having acted upon this principle towards Spain, they must all, I apprehend, admit that we have bound ourselves by our treaty with the insurgents, and that we cannot, in good faith,

1811. Æt. 33. abandon them, while they preserve any hopes. Besides this obligation of good faith, in respect of which there can be no difference between us, I have not yet myself relinquished such hopes, though you will probably regard me as somewhat enthusiastic in retaining them so long; but miserable as our disappointments have been, beyond all former estimates of the degradation to which a long course of despotism could reduce a great people, I do not yet see that the affairs of the insurgents in the peninsula are desperate. And I would have this country act upon the same views, and if possible with the same magnanimity, as Elizabeth showed to the rebels in the Netherlands, and persevered in at the lowest ebb of their fortunes. This is an immediate consideration, which would prevent me from acquiescing in any present proposal of peace, unaccompanied by a stipulation on the part of France to evacuate Spain. But it grows out of a principle, which carries me a great deal farther, and compels me almost to make up my mind to what you will call an indefinite prospect of war; a prospect never to be avowed, however, even when it appears most certain.

In the situation to which the continent of Europe is reduced, and in the situation which England commands, I cannot imagine a general peace of any duration; and without it, we can have no peace with France. I rest very little argument now, upon the personal character of Bonaparte; the direct effect of his name and genius, so prodigious for a certain period of time, is at length almost sunk in that change of the state of the world which he has effected. I rest no argument at all upon his particular designs against this country, which is the grand reason with our vulgar for perpetual war; because,

though to prevail over England must be the final scope and aim of his ambition, without which the absolute disposal of the whole Continent leaves his love of glory unsatisfied, and would be insufficient to transmit his name to posterity as equal to those conquerors of former ages who overcame all that was great and civilised in their own time, and all that was opposed to them; yet his personal passion for making a conquest of us cannot be a better reason for war, than the national design, pursued under all changes of government, which France has ever entertained against us, and which we have ever entertained against France. It is the natural condition and infirmity of powerful neighbours; which never can become a reason to either of them for refusing to make peace with the other, as long as they preserve any thing near an equality of force for the maintenance of war. My view of our situation is taken from other circumstances. What is likely to be the state of the Continent for many years to come? And in the probable condition of the Continent, what must be the conduct of England; which (whatever her interest might be, if it could be managed for years together with perfect wisdom,) cannot but be impelled by the voice of the people, and by the ancient habits of political as well as commercial connexion? If the whole Continent were to be tranquillised into one empire, and should slumber for years in repose under a vigilant and well-organised despotism, no fate could be intended for us but annexation to the mass; nor could we devise any safety for ourselves, but by adopting public institutions, and by fostering sentiments of individual ambition and conduct, of which defensive war and the most rigid prejudices of local patriotism were the constant objects. But it is seldom

1811. ...that human affairs fall into such a forced state. It
Æt. 33. seems infinitely more probable, that the new empire of France will be perpetually disturbed by efforts in one member or another to throw off the yoke; in the north of Germany, for instance, where military genius might win a fair kingdom, or in the hereditary states of Austria, where the natives cannot yet have despaired of recovering their ancient independence. Should such chances arise, even if the struggle of Spain were over, I conceive it would be the duty of this country, and I am sure it would be unavoidable at any rate, to contribute from our resources every aid and encouragement to the insurgents. It is idle to sigh for peace, if it cannot be had upon system, and for a period to be sure of; England forms a part of Europe, and must share its vicissitudes and agitations.

The point to be considered is, by what mode, and upon what principles the war may be conducted, so as to afford the best chance of contributing to the ultimate restoration of independence to some of those kingdoms, which never can be incorporated with France, from the diversity of race and languages. In my judgment, we have only to act upon the principles by which Elizabeth was guided, and afterwards King William; forbearing all little bye objects of gain and aggrandisement, and keeping steadily in view, through all fortunes and in the lowest depth of our despair, the ultimate partition of the Continent into independent states, and the revival of a public law in Europe. For such conduct, looking so far forward, much patience, and constancy, and public integrity, will be required; but it is a part worthy of this nation, and no more, in proportion to its present means, than it has done before.

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Æt. 33.

You will consider me very belligerent: I do not know that I ever before exposed to you, or indeed to any body else, the full extent of my warlike disposition. It has been growing upon me, ever since the news of the memorable day at Aranjuez. I will not say there is no inconsistency between my present views of the question, and those which induced me to give my vote in support of Whitbread's last motion for peace; but, besides having reflected more upon the whole subject, the main parts of it have undergone an essential alteration, both by the immense acquisitions of empire which Bonaparte has made since, and by the great example which the poor Spaniards have set to the rest of the world.

Before I quit the subject, I ought to say, that it would form an essential part of my plan of policy, to adopt Bonaparte's kings, without disputing their title; to teach them to look to England for support, if they have either a mind to show themselves ungrateful, or find him too exacting in the gratitude he requires. Bernadotte, therefore, and Joachim, I would make a point of gaining; as, if there had been any chance of assisting Louis with effect, I would have supported him in resistance to his brother. These, I will own at the same time, are operations of diplomacy, requiring more talent than I am afraid we possess in that department, and a more uniform course of foreign policy than we are likely to see pursued. But it is time to put an end to this letter, which your kind little note that I received at breakfast has drawn from me.

I have not yet read your review of Stewart with sufficient attention to judge between you, which I mean to do with as much impartiality as my infirm nature will allow of, though I shall set about it with

1811. Æt. 33.

an old opinion on Stewart's side, in the main question about which you differ. I was much pleased with the just praise you have bestowed on him; and there is a kindness in the particular turn of those praises, which satisfies me that you now feel what sort of merit his is.

With regard to party politics, I have little to tell you; except that the Prince has sent for Lord Grenville, and that he and Lord Grey (who comes to London this evening), are the persons to whom he will apply for advice as soon as he is Regent. The Prince has conducted himself throughout the whole transaction, in very delicate circumstances, with eminent propriety, and with perfect honour towards the Whigs; who had in truth no right to consider him as owing any obligation to them. Whether the King will ultimately recover or not, and whether during the precarious interval of a regency administration, any good can be expected to be done, is more than I can tell you.

I am really obliged to you for reporting to me what Brougham has said of me*; not only because I love praise dearly, but because it gives me more pleasure to hear of any thing like partiality in Brougham about me or any thing I have done, than even if I could be convinced that I had deserved his favourable testimony. His alienation from me, for reasons which I never have been able even to guess, is the only considerable misfortune I have ever suffered in my life; and it would take quite a load off my mind, if he would give me a hint to catch at, for forgetting that

* "I have really heard a great deal about your speech, and especially from Brougham, who says it was full of instruction and sound argument, admirably delivered. *This* testimony gave me a feeling of very unusual delight; and I think it will please you to hear of it." — *Extract from a Letter of Mr. Jeffrey to Mr. Horner, 14th January*, 1811. — Ed.

I ever had suffered it. I have always cherished a hope, that we may in time approximate again. 1811. Æt. 33.

I am glad to hear your account of your health. Persevere in exercise and temperance of all kinds. I shall rely upon having a letter from you very soon; give me that gratification next week, when I shall be suffering all the complicated afflictions of frost, and absence from London, and "Crowner's-quest" law. I go down to Wells on Sunday, but my sure address is always here.

Ever affectionately yours,

FRA. HORNER.

LETTER CLXV. FROM LORD GRENVILLE.

Dear Sir, Camelford House, 22d January, 1811.

I have waited with much impatience for your return to town, being very desirous of conversing with you on a subject in the highest degree interesting to myself. It may perhaps save some time if I take this mode of mentioning the matter to you generally, requesting at the same time that you will allow me the opportunity of seeing you on the subject to-morrow, at any time that may suit you best. I shall be at home the whole morning.

There is some question, as I will then more particularly explain to you, of the formation of a new Administration. In this arrangement, if it should take place, I have been requested to resume my former situation at the head of the Treasury, and Mr. Tierney would, in that case, probably be Chancellor of the Exchequer.

It would afford to me, under the anxiety inseparable from such a prospect, a satisfaction not to be

1811. Æt. 33. described, if I could hope to persuade you to assist me as one of the Secretaries of the Treasury. I do not mean to flatter you when I say, that I should myself feel, and I am confident such would be the universal impression, that I had in that way secured the assistance of the person in all England the most capable of rendering efficient service to the public in that situation, and of lightening the burthen which I am thus to undertake.* . . .

Believe me, dear Sir, with great truth and regard,

Most sincerely yours,

GRENVILLE.

LETTER CLXVI. TO J. A. MURRAY, ESQ.

My dear Murray, London, 30th January, 1811.

I received your last kind letter when I was at Wells; and have since heard, by a message from Sydney through Whishaw, that the poney is upon the road.

Of course, you, who know me so well, could not entertain any apprehensions, from what you may have read in the newspapers, that I was likely to be tempted to take a political situation. I wish, however, to let you know, but in confidence for the present, that I have been put to the trial, and have decided without any difficulty to adhere to the rule which I laid down for myself when I went into Parliament, not to take any political office until I was rich enough to live at ease out of office.

There is a high probability that the Regent will form a new administration, though the point is not

* The answer to this letter has not been found. — ED.

yet settled; because the advice he has received upon the question is made to rest, upon what he shall find to be the real condition of the King, which hitherto has been concealed from his family, and studiously involved in contradictory and false reports. My own conviction is, that he will be found so far from the appearance of a probable recovery, that the Regent will take his measures as for a permanency. With a view to the arrangement that would then be formed, I have been asked, in a manner very flattering to me, to undertake the office of financial secretary of the Treasury; which I have declined. The opportunity there is, at present, in that department, of rendering service to the country, both in meeting the difficulties which are coming on in its revenue, as well as commercial concerns, and in conducting to a proper result the discussions which have been stirred respecting the state of the currency; the field which is opened by the present state of the House of Commons; the pleasure of having a man in whom I entirely confide for my colleague, and the gratification of accepting office with the rest of one's party, at a moment when such a step is attended with some uncertainty and adventure: are considerations which would have strongly tempted me, if I had permitted myself to bring into doubt the propriety of my previous resolution. I decided therefore at once, and of course consider it a decision for life. I beg that you will not mention what I have now told you, for obvious reasons.

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Affectionately yours,

FRA. HORNER.

1811.
Æt. 33.

LETTER CLXVII. TO THE HON. MRS. W. SPENCER.

My dear Mrs. Spencer, Lincoln's Inn, 4th May, 1811.

I have allowed too many days to elapse without answering the kind inquiries you made in your last letter. I will reply to all your questions, though it will cost me some egotism. I did next to nothing upon the circuit; but that was not worse than before; I have no right to expect success yet. I am getting on at Sessions, which is the step that leads to success on the circuit; and, considering every thing, I have got on better than I had any reason to expect. It is a very slow progress that one makes in my profession, according to the usual routine of advancement; and I am not entitled to have miracles wrought in my favour, nor qualified to work miracles myself. I enjoy a very happy poverty, and, though I shall be very fond of advancement, if it comes upon me, I shall not repine much if it never does. I am going to Sessions at the end of this week, which will keep me from town about eight or ten days; I thought you had learned what these are, as distinguished from the circuit. Did not I teach it you, when you gave me a little dinner in Curzon Street, before setting out one winter night upon one of these irksome journies? I do not forget any thing that passed upon those pleasant occasions, which I often bring to mind as among the best days I have seen.

My mother is not in bad health, but not very strong; sea-bathing always does her good, and I have recommended Torquay to her, as so very beautiful and quiet. I mean to pass a month with her and my sisters and my father, at that place in the autumn; which will do me a great deal of good in another

way: they are all so amiable, and my sisters outgrowing me so fast in understanding and reading, that I shall rub off some of the ignorance that one contracts in the business of London, and some of the selfishness that steals upon one by not living with other people very intimately. I have not yet fixed whether I shall pass September at Torquay, or October. 1811. Æt. 33.

Ever, my dear Mrs. Spencer,

Most truly yours,

FRA. HORNER.

The great discussion on the Report of the Bullion Committee commenced in the House of Commons on the 6th of May. The Report had been presented to the House on the 8th of June preceding, so that it had been in the hands of members and of the public for several months. In the earlier part of this session several proceedings had taken place upon the subject, preparatory to the chief debate. Thus, on the 20th of February, Mr. Rose* asked Mr. Horner, whether it was his intention to propose any legislative measure on the subject of the Report; and if it was, when he would be prepared to introduce the question for discussion?

Mr. Horner replied, that, "in his opinion, the documents and accounts already before the House were amply sufficient to enable the House to proceed to this investigation without the production of any further papers;—that he believed, however, that the accounts lately moved for would require some time, and create some difficulty before they could be

* The Right Honourable George Rose, Vice-President of the Board of Trade.

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obtained;—that he should therefore wait till his return from the circuit, and bring the subject forward early in April;—and that it was his intention to submit a legislative measure, founded on the Report of the Committee; which measure would be, the repeal of the Bank Restriction Act."

On the 5th of April, Mr. Horner stated more fully the course he intended to take; he said, that, "having understood that his honourable and learned friend (Mr. Abercromby) had given a notice in his absence of his intention, on that day, to fix the period, and declare the mode in which he proposed to bring forward the discussion upon the Report of the Bullion Committee, he now rose to state what appeared to him to be the most expedient course of proceeding. In the first place, as to the mode; it had been his earlier intention to move for leave to bring in a bill for the repeal of the Bank Restriction Act. He found since, on consulting with some gentlemen, to whose experience of parliamentary business he was bound to pay the greatest deference, that the most advisable mode would be, to submit some previous resolutions, expressive of the general opinion of the House on the question at issue, and which resolutions might lay a foundation for a subsequent, and more conclusive, series of measures. He apprehended that this would be done in the best manner in a committee of the whole House; and if the right honourable gentleman opposite (the Chancellor of the Exchequer) should entertain a similar opinion, he was desirous of making it immediately an order of the day, that the House should go into a committee for this purpose on Monday the 29th of April. If there should be any objection to this suggestion, he begged that he might now be considered as giving a

general notice on the subject of his intention to bring on the discussion very soon after the recess. As to the consideration of time, he was extremely sorry that a delay of such duration had taken place; but he trusted that, when the nature of the business in which parliament, at its first assembling, had been engaged, was remembered, and the necessity he was under of attending his professional avocations in the country, he should stand acquitted of blame. Indeed, he could not help thinking that the interval which had thus been suffered to elapse would be far from proving productive of any injurious consequences to the discussion. It had been alleged that the causes of the present condition of our paper currency were quite of a temporary nature, and it might therefore be well to allow the force of this argument to be fairly tried. He had hoped for an opportunity of introducing the question on some day before the recess; but as the present was certainly too late an hour, and there was no clear day before the holidays, he would propose, if the course he had suggested was approved, to move, That the Report of the Bullion Committee be referred to a committee of the whole House, on Monday the 29th of April."

1811. Æt. 33.

On the 11th of April, Mr. Horner stated the substance of the resolutions which he intended to propose in the committee.

"The main purpose," he said, "which he professed to have in view, was to embody the opinions of the Bullion Committee into his resolutions, for the adoption of the House. In the first place, he would state, in those resolutions, that it was, from time immemorial, the custom, law, and policy of the country, that the standard should be of the lawful coin of the realm; that, having thus resolved, then it would be

1811. Æt. 33. his object to propose that a deviation was apparent in the present currency, compared with the actual currency, as established by law. He should then propose to state what, in his opinion, was the cause of the deviation in the actual currency from what by law it was intended it should be; and next, to state what appeared to be the recent state of the foreign exchanges; and lastly, he should submit, for the approbation of the committee, what in his opinion appeared best calculated to remedy the evil complained of."

He then stated the various regulations imposed by acts of parliament from the time of Elizabeth, to the present time, for settling the standard.

"Upon these acts he should propose a resolution, stating, that the only legal money, which can pass, is gold and silver, as declared by the various proclamations alluded to, with a reference to the acts; and that such being the fact, the fall or deviation in the currency was occasioned by too abundant an issue of paper by the Bank of England and country bankers; and that the only security for the country was to convert this paper into legal currency, at the option of the holder, at the then price of exchange; and he should conclude with a resolution, recommending, as expedient and necessary, the amending of the law, which authorises the Bank of England to suspend their cash payments. These were, he said, the substantial heads of his resolutions; and he trusted that if gentlemen on the opposite side were disposed to offer any thing by way of amendment, they would do him the courtesy to make him acquainted with the substance of their propositions previous to the day on which he should move the House to go into a committee."

The Chancellor of the Exchequer (Mr. Perceval) expressed his acknowledgments to Mr. Horner for the candour of his communications, and assured him that the resolutions he intended to propose would be met with equal candour on that side of the House. 1811. Æt. 33.

On the 24th of April, Mr. Vansittart* stated his intention to propose a series of resolutions on the subject of the Bullion Report, in case those of his friend Mr. Horner should not be adopted.

On the 30th of April, the Committee of the whole House was postponed to the 6th of May. Mr. Horner on that occasion stated,—"that he was perfectly prepared to go into the discussion at any time; but as the counter-resolutions of Mr. Vansittart were founded upon an extensive mass of evidence, which it would be impossible for gentlemen to decide upon justly, without making themselves acquainted with that evidence particularly, he thought the delay would be useful."

Mr. Horner's speech on the 6th of May occupied three hours in the delivery; and he concluded by moving a series of resolutions, sixteen in number. The debate was adjourned at half-past one in the morning: it was resumed next day, and the following, and was brought to a close on the fourth day, when Mr. Horner replied. His resolutions were lost by a majority of 76,—75 voting in favour of them, and 151 against them. A second division took place on the last of the resolutions,—viz. "That in order to revert gradually to this security, (against an excess of paper currency, and for maintaining the relative value of the circulating medium of the realm,) and to enforce meanwhile a due limitation of the paper of

* Nicholas Vansittart, Esq., afterwards Chancellor of the Exchequer, the present Lord Bexley.

1811: Æt. 33. the Bank of England, as well as of all the other bank paper of the country, it is expedient to amend the act which suspends the cash payments of the Bank, by altering the time, till which the suspension shall continue, from six months after the ratification of a definitive treaty of peace, to that of two years from the present time." This resolution was negatived by a majority of 135,—45 voting for it, and 180 against it.

A few days afterwards, Mr. Vansittart brought forward his counter-resolutions, and at the close of the debate upon them, Mr. Horner moved his own resolutions as an amendment, for the purpose merely of having them entered on the Journals.

I have thus given a summary of what took place in the House of Commons on this celebrated question, because of the prominent part which Mr. Horner bore in the inquiry and discussion; and it is sufficient, I believe, to give a general view of the opinions he held, and the conclusions to which he had come, at this period, upon this difficult and intricate branch of political economy. The limits assigned to this work prevent me from doing more; and if there are any who now feel disposed to investigate the history of the proceedings in parliament on this important subject, they will find a pretty full report of Mr. Horner's speech, and the resolutions he moved, in Hansard's Debates.

Letter CLXVIII. TO HIS FATHER.

My dear Sir, Lincoln's Inn, 10th May, 1811.

I have been prevented from writing to you these few days, by being very busy. I have at last

got through my share of the bullion question, which we have had for four late nights. I shall take very little charge of what remains to be done or proposed. Vansittart is to move his resolutions in the committee on Monday, on one of which Tierney will move an amendment; amounting to a declaration very much like one of my rejected resolutions, that the Bank ought (during the restriction) to keep the same principles in view which limited their notes before, and implying, farther, the principle (somewhat beyond mine) that the Bank ought to consider itself bound to be ready to resume cash payments at the earliest notice. I hardly think that I shall urge any of the amendments upon Vansittart's resolutions, which I printed some time ago; my chief purpose in circulating them was to have a concise counter statement of facts in the hands of members before the debate. I have nothing further to do, so far as I am at present concerned with the question, but to move my resolutions again in the House, for form's sake, that they may be put upon the Journals.

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The divisions were better than I expected, particularly upon the last; that division I took at a venture, contrary to the wishes of some who left me: but I am satisfied that good has been done by getting the 45 names which I shall have to show for that.

One is very apt to fancy the best of the argument on one's own side; and I am indulging myself at present in that belief. It seems to me that a very important impression has been made upon the House by the discussion, such as will not soon be worn out, and will be a ground-work for a future attempt of the same sort, to cure this great disorder. It is very creditable to the House, that so tedious a debate upon so uninviting a subject was heard with much atten-

1811. Æt. 33. tion, and without any impatience; nothing perhaps could prove more strongly, that however the votes have gone, from timidity, as well as from the usual motives that make majorities, there is a general persuasion that something of importance to every man's own private concerns, as well as the public interests, was involved in the question.

The best speech was Canning's, which astonished every body, by the knowledge which he showed of the subject, which must be a very unpalatable one to him, and by the business-like manner in which he treated it; he had all his fancy and wit about him too, and played with the most knotty subtilties of the question as easily as if it had been familiar to him.

Ever most affectionately yours,

FRA. HORNER.

P. S. Brougham made a speech in the Court of King's Bench yesterday which is highly commended.

LETTER CLXIX. FROM THE REV. T. R. MALTHUS.

My dear Horner, E. I. College, Hertford, 12th May, 1811.

I congratulate you most sincerely on your two very able and eloquent speeches, which I hear from all quarters far exceeded what could possibly have been expected from the subject. I wonder, indeed, how you could contrive to treat a question, necessarily involving so many dry details, in a manner which seems to have so completely commanded the attention of your hearers. It is impossible that the discussion should not do good; and I have no doubt that you have convinced many who voted against you.

I am somewhat surprised at Tierney, and hope he will do better on the debate upon Vansittart's propositions, in which I hear he means to propose some amendments. 1811. Æt. 33.

We shall rely upon seeing you and Whishaw on Saturday.

Ever truly yours,
T. Rob^T. Malthus.

Letter CLXX. TO HIS FATHER.

My dear Sir, Lincoln's Inn, 16th May, 1811.

My mother rather expected a letter from you this morning; she called here on her way to the exhibition, to which she has taken some of her young friends. She is remarkably well.

I have at last got rid of bullion; the country, I fear, will not get rid of the necessity of resuming the question very soon. So far as the mere votes of the House of Commons go, mischief has been done by the parliamentary discussion; for we have concluded by two resolutions, one of which misrepresents, in a very dangerous manner, the prerogative of the King over the standard of money, and the other is a ridiculous evasion of the fact of depreciation. They will probably give birth to a new host of pamphlets. But, in another point of view, the impression made upon the public mind, as to the importance of the question, I believe much good has been done; in the House, it was manifest, that we established unanswerably our conclusions, though the apprehensions naturally excited by such a statement, and magnified by the obscurity in which most persons find themselves upon such a subject, make them dread the effect of confess-

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ing its truth. I hear, also, that there has been a considerable change in the sentiments of the city. You must be sick, however, of this business.

The King has been materially worse in point of bodily health lately, and the delusions of his mind are said to recur still very frequently. The ministers speak rather diffidently now of his ultimate recovery, though the physicians are as ready as ever to swear to it. The session of parliament will probably be drawn out till after the first week of July, when there will be another quarterly Report from the Queen's counsel. He complains very much of being under petticoat government, and is much puzzled to make out why he should be subjected to this thraldom at present, when he says he is not worse than he has been for years. Such are the stories. There was a very affecting proof of his melancholy state, given last week at the concert of ancient music; it was the Duke of Cambridge's night, who announced to the directors that the King himself had made the selection. This consisted of all the finest passages to be found in Handel, descriptive of madness and blindness; particularly those in the opera of Samson; there was one, also, upon madness from love, and the lamentation of Jephthah upon the loss of his daughter; and it closed with God save the King, to make sure the application of all that went before. It was a very melancholy as well as singular instance of sensibility; that in the intervals of reason he should dwell upon the worst circumstances of his situation, and have a sort of indulgence in soliciting the public sympathy.

I am very happy to hear that you mean to take a little excursion into the Highlands; it is a charming season for it. I am going down with Whishaw for two days to visit Malthus in Hertfordshire, and hear

his nightingales; we shall go on Saturday. You will be comforted to hear that Leonard's little Mary is almost quite well again. 1811. Æt. 33.

Ever, my dear Sir,

Most affectionately yours,

FRA. HORNER.

LETTER CLXXI. TO J. A. MURRAY, ESQ.

My dear Murray, Lincoln's Inn, 29th May, 1811.

In my last letter, I omitted to give you an answer, as to my intentions with respect to the publication of the speeches I made on the bullion question. All the reluctance which I felt about exposing myself in that shape to the public, has been so powerfully seconded by my indolence, that if I had any longer resolution enough to attempt it, it would not be in my power. I must be content, therefore, with such treatment as the newspaper reporters have bestowed upon me, and as I did not read these at the time, I shall know nothing of them till Cobbett's debates are published. The principal grounds upon which I rested the resolutions that I proposed to the House, are contained in the Report, and are, indeed, old and well established, not only in the political writers of this country, but in the policy itself of our laws; there is nothing new, therefore, to record. Some points in the theory of money, and in the scientific explanation of some of its principles, are still, indeed, but ill settled; though not so as to affect materially the practical conclusions, belonging to our present question. I have sometimes had thoughts of writing a short essay upon these speculative parts of the subject, and mentioned it to my father, who seems to have misunderstood my in-

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tention. As for the practical question now depending, I shall confine myself to the parliamentary discussion of it. With respect to Rose's misrepresentations, it would be endless and discreditable to engage in a controversy of facts with him; he did not mention a single error of the least consequence in the statements of the Report, though I could have helped him to some, and it is ludicrous to scrutinise a paper of that sort as if it were a laboured composition.

It is very good in you to acquiesce in my arrangement for the early part of the vacation; after the 12th of October, I shall consider myself entirely at your disposal, in whatever way you like, and shall think you dispose of me very well if you summon me to Edinburgh.

Ever, my dear Murray,

Faithfully and affectionately yours,

FRA. HORNER.

LETTER CLXXII. TO THE HON. MRS. W. SPENCER.

My dear Mrs. Spencer, Friday, May, 1811.

Here is another letter from Willy, and I have sent yours to his captain.

I am delighted with your account of Tunbridge, that is Rastal Common, which I always thought the finest part of it. In this beautiful season, and especially after the business of Brighton, it must be quite a luxury to you. Pray keep it up till I come. I find that the 3d and 4th of next month are holidays, and the 2d is a Sunday; I propose to come then, and take up my residence at the little hotel at Tunbridge Wells, if that time will suit you.

I am amused with your interrogatory to me about

the nightingale's note. You meant to put me in a dilemma, with my politics on one side, and my gallantry on the other. Of course *you* consider it as a plaintive note; and you were in hopes that no idolater of Charles Fox would venture to agree with that opinion. In this difficulty, I must make the best escape I can, by saying it seems to me neither cheerful nor melancholy; but always according to the circumstances in which you hear it, the scenery, your own temper of mind, and so on. I settled it so with myself early in this month, when I heard them every night and all day long at Wells. In daylight, when all the other birds are in concert, the nightingale only strikes you as the most active, emulous, and successful of the whole band. At night, especially if it is a calm one, with light enough to give you a wide indistinct view, the solitary music of this bird takes quite another character, from all the associations of the scene, from the languor one feels at the close of the day, and from the stillness of spirits and elevation of mind which come upon one walking out at that time. But it is not always so; different circumstances will vary in every possible way the effect. Will the nightingale's note sound alike to the man who is going on an adventure to meet his mistress, supposing he heeds it at all, and when he loiters along upon his return? The last time I heard the nightingale, it was an experiment of another sort; it was after a thunder-storm, in a wild night, while there was silent lightning opening every few minutes, first on one side of the heavens, then on the other; the careless little fellow was piping away in the midst of all this terror: there was no melancholy in his note to me, but a sort of sublimity; yet it was the same song which I had heard in the morning, and which then seemed nothing but bustle.

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1811. Æt. 33. I suspect I have been quite sentimental upon this most trite of all subjects; by the way, if you should tell me so, I will accuse you of being a little *précieuse* in what you say about acquaintances at Tunbridge.

Yours ever,

FRA. HORNER.

LETTER CLXXIII. TO LORD GRENVILLE.

My Lord, Lincoln's Inn, 28th June, 1811.

I happened to be waiting at the bar of the House of Lords yesterday, when Lord Stanhope presented a Bill, for maintaining and enforcing the value of Bank of England paper; and I cannot resist the wish I feel to call your Lordship's attention to the great importance of what passed upon that occasion. The manner in which the extraordinary proposal of Lord Stanhope was received by Lord Liverpool and the Chancellor, and the opinions which the former intimated upon the subject of legal tender, convince me, that the ministers have had the question of making Bank notes a legal tender under their consideration, and that they are prepared to take the first opportunity of effecting that momentous change in the system of our commercial and financial economy. I have been confirmed in the same conviction, by an expression which the deputy-governor of the Bank used to me, just before the debate took place, in talking of Lord King's notice to his tenants, that he hoped Government would not be compelled to make their notes a legal tender. The directors affect to deprecate such an alteration of the law; but they look to it as their ultimate protection, against the necessity, to which the general adoption of Lord King's notice by landlords, and of such actions against country bankers as have

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been brought lately in the West of England, would compel the Bank of limiting its issues in order to remove the depreciation of its notes. It appeared to me yesterday, that the discussion brought on by Lord Stanhope gave the ministers an opportunity, not merely of feeling the pulse of the House upon this question, but of making an impression favourable to such an expedient, when they shall hereafter bring it forward; and I cannot but think it will be a great misfortune to the public, if the session of parliament closes with such an impression as will be left both in the House of Lords and upon the public mind, by such opinions, stated and not exposed, nor protested against, by those who have most weight and authority. The several successive steps, which have been observed in every country that allowed its currency to fall into a state of depreciation, are coming upon us faster than was to have been expected in this country; and as there will be no recovery after Bank notes are made a legal tender, the discussions which precede such a measure are evidently of the last importance.

I take it for granted, that Lord King will attend on Monday: the turn which was given to the debate yesterday renders that indispensable. If your Lordship can make it convenient to yourself, to take a part in the discussion, I am persuaded that the expression of your sentiments will be of most essential benefit to the public interests in this great question, and, I would even flatter myself, might deter the ministers from following so fast that course of measures, into which their own infatuation and the ignorance of their commercial advisers seem driving them. I have the honour to be

Your Lordship's most faithful and obliged

FRA. HORNER.

1811. Æt. 33. The session of parliament terminated on the 11th of July. After his concluding speech on the bullion question, on the 15th of May, Mr. Horner is not reported as having taken a part in any other subject before the House; and in the early part of the session, after his speech on the Regency, there are only short notices of his having spoken, on five questions, and all of them of minor importance.

LETTER CLXXIV. TO HIS BROTHER, AT MINEHEAD.

My dear Leonard, Torquay, 30th August, 1811.

I received the enclosed letter this morning. There has been some impatience expressed in this house to hear from Minehead.

I am engaged at present in reading your paper*, which I have not sufficient knowledge of external characters to get on with very rapidly. But I am very much delighted with the manner of it: the simplicity, plainness, and neatness of your style and arrangement are in perfectly good taste, and quite suited to your subject. I was glad, also, to see that you had preserved a candid and philosophical neutrality between contending systems; a circumstance which enhances much the value of your observations. Do not let this, however, prevent you from studying all the systems, and knowing the strong and weak parts of each; for, after all, a theory, but a true one, is the only legitimate aim of all particular observations and studies of nature, which end in nothing unless they serve to establish general conclusions: a remark, indeed, which is implied in what you have very justly and well expressed at the close of your memoir. I

* On the Mineralogy of the Malvern Hills.

cannot tell you, my dear Leo, how much I am gratified, and how much my vanity and self-importance are raised by this success of yours, which is so honourable to yourself, and which lends not a little credit to all who belong to you. 1811. Æt. 34.

I forgot, in my last note, to say what success I had upon the last circuit; it amounted to little or nothing. I have not lost ground, however, but rather gained. In my own county, I had more than at any former assizes; and at Exeter, I led one cause, not a considerable one, but, in our little routine, that is looked upon as something. I scraped together about half the amount of my expenses.

You have little notion how beautiful a scene we live in here, and what walks we have all round. To increase the temptation, there are several most remarkable junctions of the limestone and grauwacke; the former of which is quarried, upon the face of the coast, in several places. Then you will be within eight miles of the Bovey coal, and the clay-pits, and within a dozen of Dartmoor granite.

I had a letter this morning from Sir John Newport, who says, that the Catholic body through the country are coolly and determinately identifying themselves with their committee, and are every where warmly supported by a very considerable proportion of the Protestants.

I shall be glad to hear what you are doing. If you can point out any stones for me to look at here, or to get specimens of for you, I will try. Give my kind remembrances to Anne. My mother wishes to know how the bathing agrees with our dear Mary.

Affectionately yours,

FRA. HORNER.

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LETTER CLXXV. TO HIS BROTHER, AT MINEHEAD.

My dear Leonard, Torquay, 3d September, 1811.

I cannot tell you how much we are delighted at the thoughts of your bringing Anne here. My mother will tell you the particulars as to lodging and living. I shall remain here till the 6th of October, when I must leave it for the sessions; so that if you come about the 20th, we shall be a fortnight together—ample time for me to show you many delightful walks, and for you to lecture me upon junctions; which, as far as I can pretend to judge, from a very slight and ignorant glance, must be well worth your examination.

The quarries have exposed several broad faces of the rock, at different points of the coast, as well as inland; what is worked is the limestone, in some places a marble; they leave what they call slate, and which they say lies above it, in the rotten shivery state in which it appears all round the West coast, for I take this slate to be the same grauwacke of which so large a portion of the West of England consists. I have not yet gone to the junction, described by Mr. Playfair in his book, a little to the south of Paignton, where he says the ancient schistus receives a covering of horizontal red sandstone; this is what I wish you to examine particularly, in order to ascertain the relation which the limestone has to those other two rocks. It is a compact limestone of a very dark blue, full of calcareous veins; it must be the same which Dr. Berger describes between Chudleigh and Ashburton, and it would be important to trace how near it goes up to Dartmoor. Dr. Berger does not appear to have come down to Torbay; and

it would appear from the manner in which Mr. Playfair mentions the north shore of the bay, that he had not examined the whole of it. Lord Webb, to be sure, must know it all; for he lived here a considerable time. You see, therefore, how many strong reasons there are for your coming over to this coast, as soon as you have done with grauwacke on the north. 1811. Æt. 34.

I doubt very much whether you may not err in choosing the *style* of Mr. Playfair's work as a model to be imitated; if you mean, by style, the mere structure of sentences. It is a charming style, and has an eloquence well suited to his subject; but it would, for this very reason, be very hazardous to imitate it, for it has a manner and rhythm, which the ear easily catches, but which, at second hand, would not be so agreeable. The models to imitate are always those of the simple and pure sort; if there is to be a manner, and it is better avoided, let it be your own. In Mr. Playfair's composition, there are merits of another sort, which you can never sufficiently study, and labour to imitate; of these I shall speak presently. But his style, like that of Mr. Stewart, has beauties which are very attractive, but which it might prove very pernicious to copy. I do not know any one English author, in this line of writing, who can be mentioned as a model; you must make yourself familiar with those who have written the language with the greatest purity and plainness, for if you can handle the genuine idioms of the true English dialect, you will always write well on a subject upon which you are in earnest. The great thing to avoid is an air of made sentences; which the illustrations of the Huttonian theory have, perhaps, rather too much recommended to your admiration. The little that I read of Saussure,

1811. Æt. 34. a few years ago, has left a very favourable impression upon me; I should think that your best exercise would be to translate a volume of his travels, and make a point of rendering it into pure English, if possible. There is a little work of natural history, the style of which I have always admired; White's Account of the Country round Selbourne;" he is an excellent describer, and writes in good taste.

But Mr. Playfair's work deserves to be perpetually in your hands, for its merits of the highest order in philosophical composition. Though he has varnished over too partially the imperfections of Dr. Hutton's reasoning, respecting the hypothesis of a central fire, and in this particular has probably violated the rules of just philosophy, yet I know no work in which the logic of inductive reasoning may be learned to more advantage than in the Illustrations. He always looks at his great subject in the just point of view, and sees it in all its magnitude; the precision and patience with which he deduces his reasonings upon the most minute particulars, and the grandeur with which he comprehends all the distant and complicated relations of the whole frame of nature, form a very rare union of philosophical powers. And this work, though the hypothetical part of its theory will probably be in a great measure dismissed, when our knowledge of the earth is more extended, may be a standard at all times to be referred to, both for the true description of the nature and object of geological science, and for the rules as well as for examples of the proper method of forming its general conclusions. You mention the contortions of the strata of grauwacke which you have observed at Minehead; you will see some of the same sort here, and, if I am not mistaken, similar

irregularities in the limestone. It seems to me, that sufficient attention has not yet been paid by geologists to these appearances. 1811. Æt. 34.

Examine the limestone at Watchet, and its relation to the grauwacke there; that you may compare it with the limestone here, and consider whether there is a similarity in the relation.

Here is a whole letter upon a subject of which I know next to nothing: you will perhaps look upon me as somewhat like the gentleman who gave Hannibal a lecture upon the art of war. My secret purpose, however, is to bring you here.

I am glad to hear that Mary is as great a wonder in bathing as in every thing else. We all long to see her again. With kind love to Anne:

Affectionately yours,
FRA. HORNER.

LETTER CLXXVI. TO LORD WEBB SEYMOUR.

My dear Seymour, Torquay, 4th September, 1811.

I fear that I may have delayed this letter too long, for its reaching Penrith before you; but I had some expectation of hearing from you, in answer to my long sceptical epistle about conversions and depreciation.

I have been now ten days at Torquay, and am enjoying my leisure very much; delighted with the beauty of the scenes that lie all round within short walks, and with the luxurious amenity of the climate. My father and I took a ride yesterday to Stokeinhead, one of those which you pointed out. Babbacombe Bay, and the chain of little coves that connect it with Torbay, are my favourite haunts.

1811. Æt. 34. I expect my brother to come over here, when he has satiated himself with grauwacke at Minehead; and then I expect to know something of the mineralogy round the bay, which seems worthy of being well examined, in order to trace the relation which the slate, limestone, and the horizontal sandstone mentioned by Mr. Playfair, have to each other. If you can find an idle half hour, I wish you would take the trouble of telling us what to look at in this point of view. Have you read my brother's account of the Malvern hills, which I have been perusing. Though too ignorant of fossils to enter into it fully; it seems to me written with great neatness and plainness, and with considerable candour and impartiality between contending systems. I wish you would have the goodness to give him any advice that you think would be useful to him, either as an observer, or as a reporter of his observations. For it is likely that he will pursue this study in the same way for two or three years to come, and he has every disposition to be taught and improved. Do not you think the Geological Society are in a right track for improving the science, by collecting minute local descriptions of the surface of the whole country? This volume of their Memoirs contains one or two papers by their traveller, Dr. Berger; I should like to hear what you think of them.

You ask me to tell you how I am employing my leisure. Alas! I am never systematic in execution, though abundantly so in my schemes. Besides, the air and scenery in which I live at present are so agreeable, that I have hardly done any thing since I came but drink the light by sun and by moon, and read Homer. One of my resolutions was to go through the Iliad; Greek is always a task for a Scots-

man; and I rather think I have enjoyed it more here, and read it more currently, than I could have done in London. This sea, with its beautiful shores, and the neighbouring mountain, explain him better than a score of scholiasts. I have another set of books, to fill me with meditations of another kind: Machiavel's Discourses on Livy, Montesquieu's Greatness and Decline of the Romans, Hume's Political Discourses, and Burke's tracts on the French Revolution. I have read them at different times, till they are quite familiar; but I have never before brought them together, so as to compare them, and make them as it were sit in council, in my hearing upon the same points. My purpose in studying them, is to apply their reasonings to the awful and desperate circumstances of our own time, and to apply these circumstances to their reasonings. I have, besides all this, brought two other books, which I do not know that I shall find time to open; Playfair's Illustrations, and Paley's Natural Theology. 1811. Æt. 34.

You thus see my retreat from law and little politics. In my volume of Hume's Essays there are two which set me a thinking upon some of your speculations; that on Tragedy, and that on the Delicacy of Taste and Passion, particularly the last. I wish you would examine the speculations which he has just raised in these two essays.

Here is a fact for you. A gentleman, whom I met with about three weeks ago, told me he was present at the execution of a man upon the wheel, at Hanover, not many years ago. The malefactor was a soldier, his crime a robbery with atrocious violence. He knew he was condemned to die, but the manner of his death was not told him till he was brought upon the scaffold. The person who gave

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1811. Æt. 34. me the account stood very near him, when it was communicated to him that he was to be broke on the wheel. The instantaneous effect upon his mind was, that he looked at his limbs, his arms, his legs — one after the other. He submitted to his fate with fortitude.

Affectionately yours,
FRA. HORNER.

LETTER CLXXVII. TO JOHN ALLEN, ESQ.

Dear Allen, Torquay, 14th September, 1811.

It is very hard to believe that the transactions of government in Ireland are not in the same character of a crooked intriguing policy, for the purpose of managing the Prince. Have you any hesitation in thinking that Opposition ought to take up this matter in Parliament in the most decided manner, without any more of that forbearance and reserve which they practised last session?

If the Irish judges support their government, in the construction of the Convention Act, we ought to move for the repeal of so abominable a statute, and in discussing it have no mercy for the judges. If by any unlooked-for turn of patriotism, or fear in the judges, they should construe the act as it seems to me it ought to be, then we shall have a much freer game to play, by an attack upon the administration alone; but, in either event, I feel very anxious that Opposition should go resolutely to the attack, without any compromise towards the Regent. It is not unlikely that Parliament will meet before the legal question can be decided at Dublin; in that case, ought we not to act without any delay, assuming our own construc-

tion of the act to be clear and indubitable? I have not the least faith in any stories of secret intelligence possessed by government, as to designs on the part of the Catholics; if government is sincere, they may have been frightened by the appearance of a little more eagerness among the Catholics, when they believed the day of emancipation was at last coming on; and the show of a little more determination and system, when they found that day bring them a fresh disappointment. I am much more inclined to believe that Perceval and the Archbishop of Canterbury have worked upon Lord Manners, who is a timid man, and very bigoted. The conduct of the Wellesleys in all this business is very pitiful, for they have no bigotry on the subject. 1811. Æt. 34.

It would appear now, I think, that there is some relaxation in the violence of the King's disorder, and that the height to which it rose two months ago was probably owing to the heat of the season. As I understand he is better in health, I begin to think it likely that we shall have the question of restrictions to dispose of in Parliament; that will not fail to be a pleasant scene. I suppose the coronation of his wife is a matter that may be left to the new king's fancy. If he means any farther indignities, or to impose any hardships upon her, it will be disgraceful to the nation to suffer them; with all her folly and low vices, she is a stranger; and though she has not conducted herself in her disgrace so as to deserve any respect, she has already been used very ill. Remember me to Sydney, if he is with you.

Sincerely yours,

FRA. HORNER.

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LETTER CLXXVIII. TO J. A. MURRAY, ESQ.

My dear Murray, Lincoln's Inn, 23d November, 1811.

I am much surprised to hear that some persons entertain a doubt, whether Gillies* has done right, in point of political principle, by his acceptance of the judicial place offered him by the government. To me it appears most certain, that the office of Judge in any of the supreme courts, is and ought ever to be regarded as entirely independent of political party; and that when the ruling party is compelled, either by a just sense of merit and public duty, or by the utter incapacity of their own troop of adherents, to look for Judges in the opposite band of barristers, he to whom the offer is made (supposing it to be made without any improper terms) is perfectly at liberty to accept of it, without any compromise of his principles upon the management of public affairs, and without any failure of duty towards the political party to which he has hitherto belonged. It is a fit question for him to put to himself, no doubt, on such an occasion, whether he feels inclined and thinks it right to quit the active duties, very important and useful ones in every free government, that are required of a party man, and which are incompatible altogether with the character and station of a Judge; but that is a question which he would have no less to put to himself, and to decide on, if he received the offer from his own party. It is manifestly for the public interest, on various accounts, that the patronage of judicial situations should be uniformly regarded in this light by barristers of all parties; and none

* See note, Vol. I. p. 138.

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but the dunces, that are in the tail of each party, have any interest in establishing a rule to the contrary, which, upon the part of the men of talents who carry on the business of the bar, would amount to a self-denying ordinance, of the worst nature for the public. The principle upon which Gillies has most properly acted, gives the state the best chance of having judges who really know the laws; and gives us a better chance of the sentiment being impressed upon them all, that when judges, they are not party men; and the differences of political opinion that will still remain among them,—for they are not to be required to have no opinions, because they cease to enforce them by political activity,—will give a fairer probability of an even and equitable determination in all state trials or political suits that may come into the courts of justice. I understand this to be the established morality of Westminster Hall, and it appears to be founded on the best reasons of public usefulness and propriety. The example of so eminent an advocate as Gillies will sanction and establish the same principle, I hope, in the Parliament House, which will be a great benefit to Scotland, resulting from his acceptance of the gown, as the offer of it to him by the ministers has produced a still greater benefit, in giving a victory to public opinion on the subject of judicial appointments. I have no doubt you agree with me in all this; but as you might possibly be told that a few of our friends here, but a very few, are factious enough to say that Gillies might as well have suffered the ministers to go on making bad appointments, I was anxious that you should not imagine that I agreed with them. Lord Holland, Abercromby, and Ward, concur exactly in the same view of it with me; and I mention these three, because

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Yours ever affectionately,

FRA. HORNER.

Parliament met on the 7th of January, and the session lasted till the 30th of July. Mr. Horner did not originate any measure, and does not appear to have taken an active part in any of the great subjects of debate. He is reported as having spoken on several questions in the early part of the session; but all that is given of his speeches, on any of those occasions, occupies a very brief space in the columns of Hansard.

On the 17th of March, Mr. Perceval brought forward a bill, for the purpose of continuing, under certain amendments, and of extending to Ireland, an act passed in the preceding session, which made bank notes a legal tender. It was discussed on the bringing up of the Report on the 20th of April; and Mr. Horner is reported as having spoken "at considerable length" on that occasion; but the report occupies a dozen lines only.

On the 7th of May, Mr. Creevey brought under the notice of the House the large incomes derived by the Marquis of Buckingham and Lord Camden as tellers of the Exchequer, although wholly sinecure offices; and moved a series of resolutions, the purport of which was, to reduce, and fix at a definite sum, the incomes of those officers. The motion was resisted by the government. Mr. Brand moved, as an amendment, that a committee should be appointed.

Mr. Horner, on this occasion, said,—"he was desirous of stating his reasons for the opinion he entertained on this subject. No committee was necessary to prove what was an undoubted right. Had he entertained any hesitation on the subject, the speech of his right honourable friend (Mr. Ponsonby) would have convinced him of this. Nothing, he conceived, could be so clear, as that in all regulations for economical purposes, vested rights must be sacredly protected. If there was even a solitary precedent, as had been alleged, in the year 1740, in which a contrary line of proceeding had prevailed, still he should hold that to be a bad precedent, and one which ought not to be followed. No man could deny the right of the House to regulate, reform, and even abolish offices; but still that must be done subject to regulations. He was prepared to go as far in regulations which had economy for their object as any man; but in doing so, the rights of those having vested interests in such offices must be kept sacred. The property of the state was not to be protected at the expense of private property. All property was the creature of the law, and equally depended upon it for protection. If this principle were once broken through by the House, temptation would grow upon them, and there would be no end to it. He reminded the House that such an interference had been one of the steps, taken by those frenzied politicians in a neighbouring country, to whom it was to be attributed, that that country had so long been the prey to anarchy, and every other description of horrors." The motion was negatived by a large majority. 1812. Æt. 34.

Mr. Horner is not reported as having again spoken during the remainder of the session: his attendance had been very much interrupted by ill health. A dis-

1812. Æt. 34. solution took place on the 29th of September. The new parliament met on the 24th of November, and sat till the 22d of December, when it adjourned to the 2d of February; but Mr. Horner was not then a member of the House.

LETTER CLXXIX. TO J. A. MURRAY, ESQ.

My dear Murray, Lincoln's Inn, 22d January, 1812.

I was unluckily prevented from hearing the whole of Brougham's speech last night; what I did hear was most excellent, and the rest, I am told by the best judges, was still better. He has made an impression upon both sides of the House much more near the proportion of his talents and powers, than he had made by any former exertion of them in that place. He has done this, too, upon a subject of the first importance, and which has been waiting some years to be treated by so able a hand.* The time for an adjustment of that matter with the Crown is not indeed till an actual demise; but it was desirable to have the ground broken up, and topics thrown out for discussion among the public, that when that time arrives, the public may support its own interests, and second those who maintain them. It was objected by some of our critics, that he overcharged his statements; and it is true that his style in general has that fault, with another, which is akin to it, of charging the different parts of his subject and argument with an equal weight of earnestness and emphasis.

But the practical purpose to be effected last night,

* On the Droits of Admiralty. See Hansard's Debates, vol. xxi. p. 241. — ED.

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was not to gain the question, which would have been a premature success, but to make an impression as to the nature and importance of it. Besides this, there were names and possible cases held out *in terrorem*, which may stop in the mean while some abuses of this fund that were perhaps meditated. I was told by some of the members who sat near Lord Yarmouth, that the words mistress and minion were rung, till he looked black upon them. Since I came into parliament, I have heard the Droits of Admiralty spoken of as the private patrimony of the king, not to be controlled, nor even inquired into; but by successive questions and discussions, this doctrine has been utterly exploded, and the right of the House of Commons to order accounts of the distribution of it, established in full exercise: such is the practical utility of opposition.

Yours affectionately,

FRA. HORNER.

LETTER CLXXX. TO THE REV. T. R. MALTHUS.

My dear Malthus, London, 8th February, 1812.

I am very glad it occurred to you, to offer Lancaster's committee the sanction of your name as a steward at our meeting; and I have written to Joseph Fox, telling him, that I have reason to believe you would not refuse to serve in that capacity, if it were proposed to you.

I entirely concur in your sentiments upon the subject, that both societies ought to be encouraged; nay I go a little farther, for if I could be convinced that the church would sincerely and zealously set themselves to accomplish the work of national education,

1812. Æt. 34. the church should have the best of my wishes by preference; inasmuch as I regard the establishment as our best preservative against fanaticism, though I am persuaded it can only operate effectually to that end, or indeed subsist long as an establishment, by acting upon the true principles of the Reformation, of which educating the common people is the most important. It is impossible not to feel strong suspicions against the sincerity of all recent converts, especially from a prejudice which seemed but very lately so inveterate, as that of churchmen against the education of the lower classes. And even allowing them to be for the present sincere, it is hard to expect real and continued activity from that description of persons who have undertaken this charge. It is right, however, they should have a fair trial; the result will speedily appear, for we can only know them by their fruits: and the public will be ready to hold them to a strict account, if they cannot, a year or two hence, give a satisfactory account of the efficient employment of the large funds which have been put at their disposal. In the mean time, they cannot crush the system of Lancaster, whose zeal is as unconquerable as that of John Knox; the only thing to be regretted is, that that zeal should have so large an admixture of polemic irritability, which begins, I fear, to disgust some of those persons whose taste is fastidious, and who cannot, for the sake even of the good that is effected, overlook the rudeness of the means by which such good has, almost in every instance of the sort, been accomplished.

Most truly yours,

FRA. HORNER.

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LETTER CLXXXI. TO J. A. MURRAY, ESQ.

My dear Murray, Lincoln's Inn, 18th June, 1812.

I would have written to you more frequently, during the late remarkable transactions in politics, if the nature of what passed, or the way in which I obtained from time to time some knowledge of it, had admitted of any intelligible communications in an abridged shape. The apparent changes of conduct succeeded each other so rapidly, that the story of one day looked like nothing but a contradiction of that before it, though all have in the end proved to be true. Nor was it possible, while the thing was going on, to adopt with confidence any conjecture that seemed to solve such contrarieties; until the most recent disclosures explained them, by proving a depth of intrigue, which, upon mere guess, was hard to be believed. The result has, probably, been an unfortunate one for the country, because an administration with Grenville, Grey, and some others included in it, might perhaps have brought about successfully some of those changes in our policy, both foreign and internal, which they think so desirable: at the same time, the public voice would second them so reluctantly in those measures, and would be so much upon the catch to disappoint them, if there was any difficulty to be overcome, that I trembled for my friends and for their cause, when I thought them upon the brink of an administration, in which they were preparing to undertake the government under such difficulties as the present, without either court favour or a popular cry. From all this they are saved; not by any want of courage on their side, but by the triumph of inveterate duplicity, and the low arts of a palace,

1812. Æt. 34. over an inflexible and proud integrity. I believe the general opinion to be at present against the Whigs; and, with the usual sagacity of the public, they see nothing but a struggle for a few places, in the determination not to accept office without power: at the same time, it is likely enough, that a very sincere disappointment is at the bottom of this rage; and the anger against the Whigs for not accepting the ministry, carries with it a strong dislike of those who have, and may produce a reaction.

Being interrupted, I have only time to tell you, that Canning's motion is put off, in consequence of there not being members enough before four o'clock to make a House.

Affectionately yours,

FRA. HORNER.

LETTER CLXXXII. TO MR. HALLAM.

My dear Hallam, Exeter, 24th July, 1812.

You very kindly enjoin me to give you some report of myself. Though not quite robust yet, I have the satisfaction of considering myself as materially improved in general health; for which I am indebted to the regimen which was enjoined me by my medical advisers. By persevering in that, and adding to it exercise on horseback, which, by constant experience, I find suits me best, I have little doubt of re-establishing myself in as much strength as I ever enjoyed.

I go from Bristol into Scotland, by way of the lakes, that I may pay a short visit to Brougham. I shall remain in the north till it is necessary to come to Taunton for the sessions; after which, I shall pass

the rest of the vacation with my family, wherever they may be. At present they talk only of Hampstead; but as Hastings has also been spoken of, and the sea-bathing always does my mother good, I think it is not unlikely that we shall go there in the month of October. I should be very much gratified if our arrangements should coincide, that I might have the enjoyment of your society away from London; but in the busy time of the year, I have so little opportunity of being with my family, that I make it a first object to live one part of the vacation with them. 1812. Æt. 34.

I regret very much, that you are not satisfied with the conduct of Lord Grey and Lord Grenville in their rupture of the negotiation. It is perhaps a nice question of conduct, and one of those in which there is hardly any other test but success to be resorted to. Upon the whole circumstances, particularly with what has been added to our knowledge of them by Lord Moira's subsequent conduct, and by Lord Spencer's statement in the House of Lords, I think their mode of closing the negotiation was the most honourable and upright for themselves, though, with a little more reserve, they might have left it to be terminated with more disgrace to the Prince. I was prepared, I own at the same time, to pardon them if they had been less sturdy about the household, and thought, if there was a possibility of their getting power, with the views they had of using it, that they might be defended against the abuse that was in preparation for them, if they should have yielded to the Court its pretensions respecting the household. I am now satisfied, looking back to the whole intrigue, that they never had any chance of coming into office; and am somewhat inclined to apprehend, that the high tone of personal honour, and the strict stoical maxims

1812. Æt. 34. of political conduct, which the present leaders of the Whig opposition are guided by, in their negotiations about office, and without the observance of which power can have but little to gratify such men, are not calculated to obtain place for them, except in a favourable conjuncture of accidents; or to win immediate favour for them with the public, whether they gain the places or are disappointed. I will not say that nothing of the peculiarities of temper was to be detected in their prompt and peremptory manner of negotiating; but, on the other hand, they negotiated with all the odds against them, arising from their integrity and rigid honour being known to those who intrigued against them with fewer scruples. Never was there a time, in my remembrance of politics, which brought out, in so strong a light, the characters of all the persons engaged in the transaction; and I am sorry to say, that some, of whom I was anxious to form or to keep a high opinion, such as Canning and Whitbread, sunk a great way in my estimation, before it was all over.

I tremble, when I think of Spain. Surely, something more might have been done by us, particularly on the side of Catalonia, by sending into the Peninsula every company or troop that could possibly be spared, at the time that the forces of France are drawn to such a distance. But Bonaparte and all his army had crossed the Vistula, before we would suffer ourselves to believe that the price of corn would admit of his marching at all. I am very sorry to see such wretched talk in the House of Commons about the overture of April last; whatever it might have been reasonable to say about it then, while Bonaparte was still in Paris, and in our delusion that he did not think of leaving it, there can

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be but one language to hold now, respecting such a proposal. Sheridan's is nearest the right language; if he had not accompanied it with such baseness towards Whitbread, who has been slaving for a year and more in his private affairs, to get him bread, and committed this ingratitude for the sake of patching up his ruined reputation by an address to popular sentiments. Col. Hutchinson's unjustifiable expressions about Bonaparté will be imputed, of course, to all the Opposition, and very likely to all the Catholics. It is incomprehensible to me, how any friend of liberty, as Hutchinson is very honestly, can help detesting the very name of this restless barbarian.

Yours, my dear Hallam,
Most truly,
FRA. HORNER.

LETTER CLXXXIII. TO HIS BROTHER.

My dear Leonard, Powderham, 25th July, 1812.

In consequence of your recommendation, I went with Adam to see Mr. Poole's village school at Enmore*, having first procured his book and read it. The work gave me a great prepossession in favour both of himself and the method of his school: for though I never shall concede to any one the originality of Joseph Lancaster's inventions, and think that it is an act of injustice towards him to call Dr. Bell the original inventor (as Mr. Poole does in his preface), yet that preface is written in such a tone of good sense and genuine benevolence, that I do not recollect to have met with any composition, for a

* The Rev. John Poole, Rector of Enmore, near Bridgwater. The title of the book here spoken of is, "The Village School Improved." — ED.

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long while, that has afforded me a more real gratification.

'Independently of the improvements which he has added to the general method, his idea of the advantages to be derived from the mixture of farmers' sons with the peasant boys in the same school, is one of those thoughts that show a masterly sense for the business of life, apparently too simple to have much in it, but, in practice, fruitful of most useful consequences. The expectations we had formed from reading the book, were exceeded by what we saw at the school; which was indeed a most pleasing and satisfactory spectacle. We passed near an hour there, and were lucky enough to find Mr. Poole himself. The achievements of the children in working sums by the head were quite astonishing; but what was of more importance, was the order, intelligence, and cheerfulness with which the ordinary business of the school was despatched. I was thoroughly convinced upon the spot of the good effects, resulting from the mixture of the farmers' boys with those of their ploughmen; the former, who bring a little more education from home, and stay at the school till somewhat a more advanced age, gain, in the usual competition of their learning, a superiority which appears to be owing to nothing else than their fate in this fair rivalry, while it puts upon the most pleasing footing that difference which is to last through life; at the same time, that the competition, and the level upon which they are all placed, gives both that just sense of equality which both ought to be taught, and the teaching of which in common to boys of the middling and higher ranks is one of the main advantages of the public schools of England. I like very much too the putting girls and boys in the same classes, at so early an age; it gives the boys a new spur to emu-

lation, the girls are usually so much quicker. Of course, Mr. Poole's method will not have the same complete success as at Enmore, except where a person like himself will take as much pains. But I am convinced, that the dissemination of his work cannot fail to do infinite good, both in improving the schools where Bell's method or Lancaster's has already been adopted, and in setting a noble example to country clergymen of the Establishment, which is very likely to be followed in many instances. 1812. Æt. 34.

I suppose it is in vain to remonstrate any more against the sea-voyage; I wish we could have contrived to make the journey into Scotland together. We shall meet at Edinburgh, I suppose, towards the end of August. I thank Anne for her very kind letter; remember me to her very affectionately, and to my dear Mary. I am sorry to think that my father is not going to the sea-side; it always does my mother so much good. There is nothing for me to report about the circuit; my quarter is at the fag end of it, the week after next. I have had as usual some driblets of business in coming along.

Ever, my dear Leonard, affectionately,

FRA. HORNER.

I finish my letter at this castle, having come down yesterday with Courtenay.* We go on to Ivy Bridge to-day.

LETTER CLXXXIV. TO J. A. MURRAY, ESQ.

My dear Murray, Wells, 2d August, 1812.

You are quite right not to move from Edinburgh, until you have full authority to do so from

* The present Earl of Devon.

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your physician. You must wait there till my arrival, and after that, I should like to have several days of rest, which it will be better for both of us to pass very quietly. I trust to your telling me faithfully, that the cause of your illness is removed; otherwise I should be uncomfortable.

I have had the gratification of a very friendly letter from Brougham, in consequence of which I shall stay a couple of days at his house; after that, I leave the whole distribution of the time I shall pass in Scotland to your direction. The only engagement I have made is a visit to Raith*, which I wish to pay when the General† is there. Dunkeld I should like much to see again, though I like the remembrance of it too well not to apprehend some disappointment. I fancy Leonard will take Mrs. Horner some way into the Highlands; and I think it would not be disagreeable to you, if we could contrive to meet them somewhere, and pass one or two days in that sort of scenery with them. They will be at Edinburgh in the course of this week, as they set out to-day; that is, set sail, for they have resolution enough to encounter the horrors of so long a voyage. Direct your next letter to me at Brougham's.

I am not so well acquainted with Sir William Temple's writings, as I ought to be; what I know of them has given me a most favourable impression of his character. I have been reading, on the circuit, Rulhière's history of the troubles in Poland, which is a most interesting work; full of information with respect to many of the persons who disturbed Europe on the eve of the French revolution, and compiled with a great deal of skill in the narration, and

* The seat of Robert Ferguson, Esq., in Fifeshire.
† Lieutenant-General Sir Ronald C. Ferguson.

much observation of the artificial characters that are to be seen in courts and in diplomacy. I am surprised that such a work has attracted so little notice in this country. It was published about five years ago, under the auspices of the French government, the author having died many years before; Bonaparte's schemes for Poland are plainly disclosed in the editor's preface, and very possibly some parts of the book may have been touched and coloured to serve their purpose: the events of the present campaign make the subject doubly interesting. 1812. Æt. 34.

Yours affectionately,

FRA. HORNER.

LETTER CLXXXV. FROM LORD WEBB SEYMOUR.

My dear Horner, Bulstrode, 2d August, 1812.

Whishaw has just left us. Having had a good deal of conversation with him upon the subject of your health, I am become very impatient to see you; for your case seems to bear a great resemblance to my own, and I think I might give you some useful hints, founded upon my own long experience. A letter, which Whishaw received from Brougham this morning, mentions your intention of reaching Westmoreland about the 12th. I understood from Murray that your circuit would finish on the 8th. Now, this allows you only three or four days for your journey down, and my first earnest advice is to avoid any such hurry in travelling. Before this letter arrived, I had schemed a plan for you far more prudent. I must set off for the North about the 20th. The Landsdownes are to go this week to Malvern, and to remain there till September. I would invite you to come to

1812. Æt. 34. Bulstrode*, and to stay here, in perfect quiet, till I set off, were there not objections in the length of the journey eastward, and to your being thus brought within the tempations of the busy town. Let me only say, that if you will come to us, *with a firm resolution to stay*, we shall be most happy to see you. I will however propose another plan; that you should go from Bristol to Malvern, and remain with the Lansdownes till I come there, and take you up to proceed to the North. I will set you down at Brougham's, or carry you forward, as you may like best. With me you will be secure from all hurry; and ten days spent in the delightful society of the Lansdownes will do much to recruit you, after the fatigues of the circuit, which, I am confident, have been more than you had strength to encounter. Indeed, my dear friend, you must not trifle with your complaints. As I observed formerly, I am not alarmed by them, except in reference to your situation in life, and your habits. I well know the pain of submitting to inactivity, and am equally aware of the necessity of it, in such a case as yours. If you spend your autumn in rapid journeys, and a variety of animated conversation with minds in their full vigour, you will not regain health for the still more active exertions of the winter. Let me *entreat*, and *insist*, that you adopt my advice upon the present occasion. You cannot conceive the importance I attach to it.

Yours ever affectionately,

WEBB SEYMOUR.

* Then in the possession of the Duke of Somerset.

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LETTER CLXXXVI. TO MRS. L. HORNER.

My dear Anne, Newport in Gloucestershire, 8th Aug. 1812.

I begin to wish very much to hear of an event which I trust has taken place by this time, your arrival at Edinburgh. I shall not receive the intelligence, which you will send for me to Brougham Hall, so early as I intended I should, when I gave you that direction; for I have made a small alteration in my plans, which will keep me a week later in the South. In order to have the chance of travelling most part of the way North with Serjeant Lens, I mean to loiter away about a week, and this sort of rest will be very grateful to me after the circuit. Where do you think I am going for this repose? to your own favourite Malvern; where I shall enjoy some of the very walks you used to take, and examine the hill with Leonard's description of it in my hand. The Serjeant is to be at Ross for some days, with his sister who lives there, and we are to meet at Leominster: this will give me till next Saturday to stay at Malvern. I mean to stop at the Wells, and try to get rooms of some kind or other, where I can be alone, for the ordinary of a watering-place is not in the least to my taste; not that I mean to be absolutely alone either, for the Lansdownes went there yesterday, and have got a house, which you probably know by its absurd name, Pomona Cottage; and Lady Lansdowne's sister, Lady Elizabeth Fielding, has got our friend Mrs. Beddoes's house. I wish I had fixed upon this scheme in time to have received your particular instructions for walks and rides; for I do not send my horse back to London till I quit Malvern. When I come to Edinburgh, how-

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ever, I shall compare notes with you. I have written to Fanny, to bid her send me, if she can find one, the separate copy of my dear Leo's memoir, that I may have it to walk out with. I expect to reach Brougham about the 20th, or soon after; your letter from thence, if you have written to me, will be forwarded to me. Yours, my dear Anne, very affectionately,

FRA. HORNER.

LETTER CLXXXVII. TO HIS SISTER, MISS HORNER.

My dear Fanny, Edinburgh, 9th September, 1812.

Leonard's letter to you more than a week ago explained to you why I have been so long of writing to any body. My wrist is now so much better, that I can write without any pain, though it must be some time before I recover the free use of my hand. I met with the accident in riding a little pony, which fell under me; and, in saving myself, I came with my weight upon my hand.

I made a very agreeable journey with Serjeant Lens, the greater part of the way through country which was new; indeed, the only portion of it I had seen before was in Cumberland, from Kendal to Penrith, which it was very gratifying to see again. We had as fine a day as could be, and had views of Windermere, Grassmere, and Keswick Lake, in all their glory. At Keswick we found Rogers the poet, staying at the inn; he was good enough to take an evening walk with us, and led us to a favourite station of his, which gives the most striking prospect of the lake. As Murray could not meet me on the borders, I postponed my visit at Brougham till my return, when he will accompany me thither; I only regret

that I lost our intended tour through Ayrshire; which I must delay till another year. 1812. Æt. 35.

Since I came to Edinburgh, I have been continually enjoying the society of my old friends, who have received me with all the affection that is most gratifying. It gave me a particular pleasure to find Mrs. Murray so little the worse for seven more years of old age; she is a little thinner, but only a little; in every respect she is entirely in possession of her faculties and excellent understanding. Next to Murray I have lived most with Thomson*, who since I was last here has fitted up a very pretty house, and put in order his valuable library. We all spent a very pleasant day at his brother's parsonage at Duddingstone; and in the course of the morning, I went to the top of Arthur's Seat, with the two Thomsons and Pillans; the last of whom is, I take it, the most completely happy person in the Regent's dominions; having found exactly the corner that fits him in the world, where he can be most useful, and as universally respected. He has already done wonders with his school, and will yet do a great deal more: he thinks of nothing else. I have been for a couple of days also to Hatton, where Jeffrey lives in a great house, and writes his reviews in a little gilded closet; the Morehead family and his brother make up a household for him, in which he is perfectly comfortable, being strongly attached to them all. When I was there, I rode to pay a visit to Mr. Henry Erskine†, who has retired from the bar, and is living among the plantations he has been making for the last twenty years, in the midst of all the bustle of business; he has the

* Thomas Thomson, Esq.

† The Honourable Henry Erskine, brother of the Chancellor Lord Erskine.

1812. Æt. 35. banks of the river Almond for about four miles; he told me he had thrown away the law like a dirty clout, and had forgotten it altogether. It is delightful to see the same high spirits which made him such a favourite in the world, while he was in the career of ambition and prosperity, still attending him after all the disappointments that would have chagrined another man to death: such a temper is worth all that the most successful ambition could ever bestow.

My greatest enjoyment in Scotland has been in the society of Mr. Stewart and Mr. Playfair, who have been growing younger all the while that their pupils had been turning grey, and are in such good health and such ardour of study, that the world will probably have the benefit of many years of their labour. It is a gratification which I enjoy more than I can describe, to be admitted to the confidence and unrestrained conversation of two such sages, who first imparted to me a true relish for literature. They have both many projects: Mr. Stewart has already a great deal of manuscript quite ready for the press; we shall have two volumes of his Philosophy of the Mind, in the course of next year. He is printing at present a memoir, which he read to the Royal Society of Edinburgh, upon the case of the blind and dumb boy, upon whose eye an operation was performed by Wardrop; it cannot fail to be a most interesting dissertation, in the way in which he has treated the subject. My vanity will not let me conceal from you, that he has contrived, from the accident of my having sent him an old book, to pay me a very partial compliment, in a note to this memoir; it is not a little flattering, though I owe it to nothing but his good nature, to have his friendship for me recorded in writings which will live as long as those of Cicero

and Plato, and will go down to distant times with their works.* We went to Kinneil, four of us in a landau (the same I suspect the bailies go in to the races), Murray, Thomson, Mr. Playfair, and myself. The day being very bright and beautiful, we drove through Lord Roseberry's grounds, which are equal to any that I know any where for prospects and scenery. The Romillys came to Kinneil the same day; next morning all went away but Mr. Playfair, with whom and Mr. Stewart I passed an entire day. We went a mile beyond Falkirk, to see Mrs. Dalzel. 1812. Æt. 35.

You do not know Mr. Wilson†, but it has been no small addition to the pleasure which my visit to Edinburgh has afforded me, to see him upon the whole so well, and so comfortably settled with his nieces, who are in the best style of Scotch girls. Lord Webb, too, arrived yesterday, and I have written this rambling scribbled letter in his room, waiting till the rain clears off.

The weather is painfully uncertain, for it depends upon the weather now, whether Scotland is to suffer next winter the extremity of a dearth.

I am happy to say Leonard and our favourite Anne are quite well. They have got a drawing of Mary, which they think not very like; but as I have a different opinion, they have given it to me; and with

* The passage in Mr. Stewart's Memoir, here referred to, is as follows:— "The work from which these quotations are taken, is a very small volume, entitled '*Didascalocophus*, or, The Deaf and Dumb Man's Tutor, printed at the Theater in Oxford, 1680.' As I had never happened to see the slightest reference made to it by any subsequent writer, I was altogether ignorant of its existence, when a copy of it, purchased upon a London stall, was a few years ago sent me by a friend, who, amidst a multiplicity of more pressing engagements and pursuits, has never lost sight of the philosophical studies of his early years."

The works of George Dalgarno, the author of the above treatise, were reprinted at Edinburgh in 1834 by the Maitland Club, at the expense of Lord Cockburn and Thomas Maitland, Esq. — Ed.

† Mr. George Wilson. See Vol. I. p. 192.

1812. Æt. 35. two or three sittings more, which I mean to have when we come to town, I shall have it quite like: and if it should be finished to our satisfaction, I have two projects about the disposal of it; one is, to have it in my study at Lincoln's Inn; the other, to indulge a grandmamma, if she has a fancy for putting it into her bed-room, in Russell Square. But she must ask this as a great favour.

Affectionately yours,
FRA. HORNER.

LETTER CLXXXVIII. TO J. A. MURRAY, ESQ.

My dear Murray, Clifton, 4th October, 1812.

I had a very agreeable journey with Brougham as far as Preston; nothing could be more entertaining, or in better humour. Indeed, since our old days of careless fellowship, I have never known him in so good a tone of mind, as through the whole of our late visit. After parting with him, I slept at Chorley, a dirty hole—Lancashire and manufactures; I strove to make it more endurable by a vivid recollection of Dinwoodie Green. I was repaid for this the following night at Wolseley Bridge, a country inn of the right English sort; next morning brought me to Birmingham. All this journey I performed in a chaise by myself, but an indifferent sulky species of travelling, unless one has an interesting book, in which respect I had managed ill. I tried in vain at Manchester to get the new volume of Burke's Works, for which I am thirsting, and again at Birmingham; and then becoming desperate, I cast myself into the mail coach, and, after a whole night of star-gazing (for I never

saw so fine a sky, or Sirius in such splendour), I came here this morning. 1812. Æt. 35.

I was anxious, of course, to learn upon the spot what is likely to be the result of Romilly's election, which begins on Tuesday; upon the accounts which I collected from several people in the morning, I had formed an impression, doubtful upon the whole, though inclining to the favourable side. This evening I have seen himself; he entertains scarcely a doubt of success, and thinks it not unlikely he will stand at the head of the poll: this is after a very minute scrutiny of all the information in possession of his committee, who have conducted their canvass and survey of the votes by parochial subdivisions; Romilly, however, is in all such things apt to be very sanguine. He does not complain of any fatigue or irksomeness in the canvass, though he has had four days of it from door to door; and they tell me he does it well.

You will be glad to hear that Abercromby is to be returned for Calne.

Yours affectionately,

FRA. HORNER.

LETTER CLXXXIX. TO THE REV. SYDNEY SMITH.

My dear Sydney, Bowood, 11th October, 1812.

I received your letter at Taunton the other day, where I was attending the sessions. Your reproaches, for what you call want of egotism, I take very kind, and, in return, I use my first opportunity of leisure to tell you all about myself. It is very soon told; in those two respects on which you desire information; my health is considerably improved;

1812. Æt. 35. and I am not to be in Parliament. I have been very careful and attentive about the former for several months, and am reaping the fruits of this in a more uniform course of comfortable easy health and good spirits, than I knew all last year; though I cannot describe myself as having yet regained my former robustness, or the privileges of a freeman, for I am still under the slavery of medicine and regimen. As to Parliament, I have no seat, because Lord Carrington, to whom I owed my last, has to provide for a nephew, who has come of age since the last election, as well as for his son-in-law, who, being abroad, loses his seat for Hull; and because I have not money, or popularity of my own, to obtain a seat in the more regular and desirable way. I need not own to you, for you would guess as much, that it is some mortification to me to be thrown out of the course, and that I indulge myself with regretting that I shall no longer have the opportunity of trying to be useful in the immediate concerns of the public. With the usual repentance that is felt at the close of any state of existence, I am something sorry and something ashamed, that, during the time I had such opportunity, I did so little. As for the future, I am not inconsolable; my own resources for employment and amusement are quite enough.*

(UNFINISHED.)

* This unfinished letter had fallen accidentally among my brother's papers. I regret that I cannot give even one of the many letters he must have written to this intimate friend. I applied to Mr. Smith, several years ago, to know if he had any in his possession, and he replied in nearly the same terms as the following, which he afterwards used, on a similar occasion, to Mr. Robert Mackintosh:—"You ask me for some of your late father's letters; I am sorry to say I have none to send you. Upon principle, I keep no letters except those on business. I have not a single letter from him, nor from any human being, in my possession."—*Life of Sir James Mackintosh*, vol. ii. p. 499.—ED.

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LETTER CXC. TO SIR SAMUEL ROMILLY.

My dear Sir, Lincoln's Inn, 15th Oct. 1812.

I feel very painfully our disappointment at Bristol. What annoys me most at present, is my uncertainty about your coming into Parliament at all. I hope you will not decline a seat, if any of those who have boroughs should (as I cannot doubt they will) put it in your power. I know your objection to that mode of holding a seat in the House; but as long as the representation continues on its actual footing, I cannot agree that a man who knows he can serve the public, ought to refuse that opportunity of serving them. While I take so great a freedom as to express this to you, from my earnest anxiety to see you again in the House of Commons, I can at the same time assure you, that I should not hold this opinion, if I entertained the least doubt that such a step could in any degree affect your public or parliamentary reputation. I shall regard it as one of the greatest public losses, if you are not in the House this Parliament; I trust you will not, by refusing a close borough, compel us to impute that misfortune to yourself. Believe me, my dear sir, with much attachment,

Very sincerely yours,
FRA. HORNER.

LETTER CXCI. FROM SIR SAMUEL ROMILLY.

My dear Sir, Eastbourne, 18th Oct. 1812.

I am very much obliged to you for the anxiety you have felt about me. I really believe that my

1812. friends feel more sensibly my disappointment at Bris-
Æt. 35. tol than I do myself. I certainly was very anxious to succeed, and, till the third day of the election, I thought my success certain; but after that, I soon saw what was to happen, and had made up my mind to it. It is not a little fortunate for me, that I have got out of such a contest without a single occurrence unpleasant to me, though I had the Tories on the one hand, and Hunt on the other, anxiously watching to take advantage of any thing I might do, or any unguarded expression I might use, which could be turned to my disadvantage. Since the election was over, I have been reflecting on many circumstances, which I would not allow to occupy my mind while it was depending, and which seem to afford reasons why I should rejoice at my defeat. The Bristol business certainly would, in addition to my other labours, have overloaded me with fatigue, and no doubt the very West India merchants who most actively opposed me, would not have been the most backward in exacting my services on all occasions. There seems no prospect, too, that Bristol will in future be ever, in my time, without a contest, and a long tedious election, which is to me most hateful. I don't know how sufficiently to thank the gentlemen, who were kind enough to form themselves into a committee to conduct what related to my election in London, nor the manner in which I can best do it. Will you do it for me? or shall I write a letter to the chairman; and, in that case, will you tell me who the chairman is? The Bristol committee I had frequent opportunities of thanking in person.

I certainly have not made up my mind to refuse coming into Parliament in the way you mention. My opinion upon that subject is greatly altered, since it has become the only legal way in which to me Parlia-

ment can be accessible: there will be time enough, however, for me to consider what I should do, if any offer were made me. 1812. Æt. 35.

I remain, my dear Sir,
Ever and most sincerely yours,
SAMUEL ROMILLY.

LETTER CXCII. TO LORD HOLLAND.

My dear Lord, Lincoln's Inn, 19th Oct. 1812.

When I came home, I found a letter from Lord Lansdowne, in which he tells me of Lord Grenville's great kindness about me. He has written a second letter to Lord Lansdowne, in which he says he has reason to think that I may be returned very soon after the meeting of Parliament, in a way that will be agreeable to me. I need not say, how much I am gratified by this unmerited service and attention to me from Lord Grenville; and I wish him to know that I am perfectly sensible of this. But I suppose it is not proper for me to say any thing to him myself, until the thing is over one way or the other; for, either way, I shall feel quite the same towards him. But I wish you to consider, in the first instance, claims that are far before mine. When the Bristol contest was over, I wrote to Romilly, under an idea that he might object to come in for a rotten borough, urging him as strongly as I could, not to suffer a feeling of that nature to stand in the way of his duty to the public, if he should have such a seat offered him. I have heard from him this morning, and I am happy to find he is not disposed to decline it. He says, "I certainly have not made up my mind to refuse coming into Parliament in the way you mention; my opinion upon that

1812. Æt. 35. subject is greatly altered, since it has become the only legal way in which to me Parliament can be accessible. There will be time enough, however, for me to consider what I should do if any offer were made me." It seems to me so very important on every public ground, and for the true interests of the Whig party, that Romilly should be brought in, that I thought it right to put you in possession of his sentiments.

Yours most truly,

FRA. HORNER.

P. S. If Lord Grenville's communication to Lord Lansdowne has any connexion with what you hinted to me yesterday, pray let there be no doubt whatever left of my determination to vote for parliamentary reform, or of the full extent of my democratical tendencies and opinions.

LETTER CXCIII. TO J. A. MURRAY, ESQ.

My dear Murray, Lincoln's Inn, 21st Oct. 1812.

I received both your letters from Liverpool, and am much pleased that you made the exertion of going there to assist Brougham, particularly as he tells me you did him an important service in an affair of some delicacy. His disappointment came upon me quite unexpectedly, for I looked upon *his* return at least as certain; and nothing, except Romilly's similar disappointment, has given me greater or more sincere distress. It is a great public loss, not to have Brougham in Parliament; it is rendered greater, by his failing in an attempt, to which he had been encouraged by the popularity of his eminent services last summer; and what aggravates it as a public

misfortune, is, that Canning, the author of those same Orders in Council, should be elected, with such triumph, upon the very spot where their ruinous consequences were most severely experienced. It seems clearly enough ascertained, that the real cause of Brougham's failure is the indiscretion of having joined Creevy with him, and attempted to carry both members upon the popular interest. It is a mistake which has been committed over and over again, with the same fatal result. It is among the very sincere and zealous friends of liberty, that you will find the most perfect specimens of wrong-headedness, men of a dissenting, provincial cast of virtue, who (according to one of Sharp's favourite phrases) will drive a wedge the broad end foremost, utter strangers to all prudence and moderation in political business, who are sensible enough, when they find themselves in defeat, that it is worse than partial success, but who, while the thing is in contest, imagine it would be a sort of treachery to their cause to accept in the first instance a whole half of the object they are contending for. 1812. ÆT. 35.

If Brougham is to be out of Parliament, which I hope and trust will not be the case, I am very far from being able to accede to your opinion, that this public loss will be counterbalanced by advantages to him in a private point of view, such as ought to take away all regret from his friends and himself. I cannot conceive any single private advantage he will gain by it, of the least moment. Money, to be sure, he may make in abundance by parliamentary business; for that loose, rambling sort of practice is richly paid; but no professional fame or science is to be gained in that department; and what are a few hundred acres more in Westmoreland worth to Brougham? Depend upon it, he will not quit politics, even for the

1812. Æt. 35. time he is out of Parliament; but will exert his boundless activity in another sphere, and in other directions, where his exertions will be probably less advantageous to his own reputation, and to the welfare of the public. I was made quite happy by your account of the manner in which he took leave of the contest when it became hopeless; and I lost no time in communicating your account of it to such of our friends in London as were sure to take a proper interest in what concerns him.

I have some news to give you about myself: as I have now reason to believe, that very soon after the meeting of Parliament, when the double returns are disposed of, I shall have a seat in my power, which comes to me in a manner so perfectly satisfactory and agreeable to me, that I shall have no hesitation in accepting of it. I shall give you the particulars, as soon as I am at liberty; in the mean while, I wish not to say that I have any such prospect, except to my nearest friends. I suppose you will regret all this, according to your former opinions; which I am far from thinking as erroneous as that in Brougham's case appears to me; but which do seem to be mistaken upon the whole, though for quite other reasons. I am in much greater danger of losing all interest in party politics, than of carrying those feelings to excess; and have not the least doubt, that I could return, with undiminished enjoyment, to all the pleasures and luxurious tranquillity of speculative literature. But my choice, if a wrong one, was made long ago; and I do not permit myself now to canvass the propriety of it, but should regard it as a misfortune to be thrown out of the course in which that choice, aided by circumstances and connexions, had directed me.

If thrown out, I shall not find it hard to make up my mind to the change; but I would rather go on. A very slow, and a very quiet walk for a public life, is the only one for which I feel myself to be fit; though in such a one, with steadiness, I hope I may in process of time find some opportunities of rendering service to the country. One thing I feel more every day; that nothing but the alliance of politics, in the manner in which I take a share in them, would be sufficient to attach me to the pursuits of the legal profession, in which I have little prospect of eminence, and very moderate desires of wealth; but in which, by possessing the opportunities of legislative experiment, I do not despair one day of doing some good. The occasion has drawn from me too much egotism, which you must forgive.

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Yours ever affectionately,

FRA. HORNER.

LETTER CXCIV. TO J. A. MURRAY, ESQ.

My dear Murray, London, 8th Dec. 1812.

I hope Mrs. Murray has not been more indisposed again since William left Edinburgh. I heard of her illness, first from him, and at the same time, as I flattered myself, of her recovery. Pray let me hear how she is.

There was not the slightest reason to believe that Tierney was going to Madras; that he either had thoughts of it, or had it in his power. Some of the Directors may have given out that they would be glad of such an appointment, as they would no doubt have reason to be. But Tierney, whatever faults he may have, is not the man to take an office of any sort

1812. Æt. 35. from the present ministers, or to avail himself of the untrue pretext, that an Indian government can be accepted without being held under the actual administration at home. His being out of Parliament is entirely owing to accident and bad management, which (I hope) will soon be remedied.

Brougham's success at the bar is prodigious; much more rapid and extensive than that of any barrister since Erskine's starting. I am going down to-morrow to hear him in defence of Hunt, which is a cause of great expectation. I have been present at several arguments of his in Banc; of which I should not, to say the truth, make a very high report; that is, in comparison of his powers and his reputation. Great reach and compass of mind he must ever display, and he shows much industry, too, in collecting information; but his arguments are not in the best style of legal reasoning. Precision and clearness in the details, symmetry in the putting of them together, an air of finish and unity in the whole, are the merits of that style; and there is not one of those qualities in which he is not very defective. But his desultory reasonings have much force in some parts, and much ingenuity in others; and he always proves himself to have powers for another sort of speaking, and a higher sort. What I say now, applies only to his appearances in Banc; having never yet heard him address a jury.

How deeply interesting is the Russian war now become! It seems hardly too sanguine to expect, that the world is to be set free from bondage, and that the justice of fortune is at length to be made manifest, in the signal punishment of the Conqueror, who has so long harassed the earth and subjugated the fairest portion of it; *qui res humanas* (would we could say) *miscuit olim.* We cannot wish

for a more signal vengeance to the cause of the liberties of mankind, than that he should fall, or at least lose his purple, in this unsuccessful aggression upon the independence of a great nation. It will be no small enhancement of this triumph, if we are really to enjoy it, because it will strengthen that sense of security, which is the best fruit of it, that the victory is due, not to the government of Russia, which would have long ago submitted, but to the body of the Moscovite people, nobles and peasantry. Surely there is nothing in history so delightful to read or witness, nothing so useful in its example, as the successful resistance of foreign invaders; whether it be by the patriotism of a civilised and free state, or by the instinct of barbarians and slaves; whether it be Greek, or Dutch, republicans, whom we have to admire; whether it be the repulse of partitioning confederates by the enthusiastic Jacobinism of France, or the repulse of French genius, and military science in perfection, by the brute valour of Russians and Tartars. How vast will the events of our day appear, to those who shall be at a sufficient distance from them to see their real magnitude! Will not the march of the French host to Moscow be judged the very masterpiece of the military art, in point of execution; an achievement, that deserved no meaner disappointment, than by the barbaric magnanimity, which the people invaded have shown, in burning the ancient capital of their empire. One can hardly think of such things and not use big words.

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Wednesday.—The Hunts are convicted; but not without the jury retiring for about ten minutes. Brougham made a powerful speech, unequal, and wanting that unity which is so effective with a jury; some parts rather eloquent, particularly in the conclusion, where he had the address, without giving

1812. Æt. 35. any advantage, to fasten the words *effeminacy* and *cowardice* where every body could apply them. One very difficult point of his case, the conduct of the regent to the princess, he managed with skill and great effect; and his transition from that subject to the next part of his case was a moment of real eloquence. Lord Ellenborough was more than usually impatient, and indecently violent: he said that Brougham was inoculated with all the poison of the libel, and told the jury, the issue they had to try was, whether we were to live for the future under the dominion of libellers.

Yours ever sincerely,

FRA. HORNER.

LETTER CXCV. TO J. A. MURRAY, ESQ.

My dear Murray, Lincoln's Inn, 16th Dec. 1812.

You give me a kind scold for having said nothing of myself. I have nothing to say but good. My health is much better this winter than it has been for two or three years; I adhere virtuously to my water beverage; and if I could keep early hours, I believe I should never ail at all; but that is not to be done in London.

I entirely agree with you in opinion, that the property-tax, as collected from the farmers in Scotland, must have a hurtful effect upon agriculture, and is assessed by an unequal and arbitrary rule. The principle of the tax in other cases is, that of an assessment upon actual profits, and rackrent is no criterion of the farmer's actual profits. I cannot see that there is any greater difficulty in raising this tax from that class of men, by a requisition from them of their gains

every year, than in the instance of mercantile and professional persons; on the contrary, a farmer's income from his proper business is far more ostensible to his neighbours than those of the other sort, and his actual rent affords such a check upon false returns, as would protect the revenue against them much more effectually, than it protects itself against them from merchants and men of professions. What you suggest, —a corresponding committee, including all the counties, is the most likely method of obtaining redress, if the matter is taken up by people of respectability and with resolution. And I should be glad to see this. Without a previous *demonstration* of that nature, it is of no use to call the attention of the House of Commons to it; it is very difficult to get their attention to any thing Scotch. The business was taken up with much spirit formerly by several of the counties, particularly (I think) Roxburgh; why did they let it drop? You may rely upon me, if you wish me to take any part about it; only give me timely information. 1812. ÆT. 35.

There is but one sentiment of condemnation, respecting Lord Ellenborough's intemperate and indecent conduct at Hunt's trial. This is not only universal among the bar, who feel this as a professional concern; but among laymen, of all political denominations. I have reason to believe, also, that the other judges regret his conduct very much. The session of Parliament can hardly pass over, without some pointed notice of it.

I am delighted to see, at last, another good number of the Review, worthy of its former name. There seems to be but one article of *monthly* politics, which is too short a life for a quarterly book. Allen is delighted with the orthodoxy of the review of Leckie's

1812. Æt. 35. pamphlet, and says it is the best constitutional article Jeffrey has ever written. The *Musæ Edinenses* excite a very irreverent mirth among your collegers, who, instead of being disposed to give a liberal encouragement to our attempts, seem to regard it as an improper ambition, and something out of the course of nature for Scotsmen, even to try such excellence; I saw Bobus and the Mufti* snickering together at the very mention of this title. This scorn of theirs makes me anxious that we should give them one more Buchanan.

Yours affectionately,
FRA. HORNER.

I shall not be returned to Parliament till after the adjournment; I expect it in the course of February.

LETTER CXCVI. TO HENRY HALLAM, ESQ.

My dear Hallam, Salisbury, 7th March, 1813.

I thank you for your very kind inquiries, which I can satisfy in the fullest manner; for all the symptoms of my late indisposition are now gone, except the unavoidable weakness which must continue for a few days still. I am taking special care of myself; keeping out of the way of these piercing winds, and not venturing to do more than sun myself under a south wall, like a selfish tortoise, at this season.

When we recollect the diffident language that we held about the Catholic cause, before the debate came on, the advantages secured by the late vote seem

* Mr. Robert Smith and Mr. Whishaw.

immense.* We thought for certain that some ground had been lost since the resolution of the last Parliament, whereas it is now manifest that we were gaining ground all along, and that the progress of temperate conviction has been steady and unremitted. What an illustration of the benefits of continued discussion, through Parliament and the press, where the great interests of justice and liberty are the subject of controversy; and what a pride it is for England, to have such a controversy leading slowly but surely to the truth, and to one of the most signal ameliorations of government in favour of civil freedom, during the terror and darkness in which the rest of the world is involved. I look with great anxiety to the Committee; not only on account of the arts which will be employed to embarrass it, but for fear of the unfavourable impression with which the late vote may be received throughout the country, even by liberal men, if it has the appearance of being followed by difficulties which the ablest men in Parliament cannot remove. I believe none such exist in the nature of the measure, though there may be in the habitual alienation and mutual repugnance which several of those leaders feel for one another. Yet I would fain hope, the public spirit, which they all possess, will on this great concern bring them to-

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* Upon a motion of Mr. Grattan, "That this House will resolve itself into a Committee of the whole House, to take into its most serious consideration the state of the laws affecting his Majesty's Roman Catholic subjects in Great Britain and Ireland, with a view to such a final and conciliatory adjustment, as may be conducive to the power and strength of the United Kingdom, to the stability of the Protestant Establishment, and to the general satisfaction and concord of all classes of his Majesty's subjects,"

The division was — For Mr. Grattan's motion	-	264
Against it - - -	-	224
Majority	-	40

Ed.

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gether in earnest, and make them feel how much the reputation of all of them as statesmen is staked, upon their skilful and successful use of the advantage which an honest vote of the House has put into their hands, and how the final adjustment of this embarrassing claim will clear the great field of public affairs for other exertions of their ambition and patriotism, whether they are to be still adverse to one another, or shall make an experiment of acting together. I cannot think that Grattan, and Lord Grey, and Canning would find it very difficult to agree upon a plan of emancipation and securities; and if they come to the Committee with a plan agreed on, that Bankes and Bragge Bathurst would find it easy to disunite them. Though the House, in its present temper, might perhaps be induced to pass a partial measure, I own it seems to me imprudent in any of the great leaders of the Catholic cause to think of originating any compromise of that sort; they may be forced to accept at present only part of their claim for the Catholics; but to preserve the strength of their cause, they ought to keep it entire, and there is no part of the argument which it is more important to impress upon the public mind, than that to do good you must give all.

I am sorry to hear that the negotiation for an exchange of prisoners is broke off. What a hint to the Royal Family is conveyed by Wortley's speech; it is like some of the signs that appeared among the Tories, after the trial of the Bishops.

Yours, my dear Hallam, very truly,

FRA. HORNER.

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LETTER CXCVII. FROM WILLIAM FREEMANTLE, ESQ.

Dear Horner, Stanhope Street, 16th March, 1813.

I wrote a note to you yesterday, not recollecting you were on the circuit: my object was to speak to you on the subject of a seat in parliament.

I have reason to know that a seat will be vacant in the course of ten days, which I am authorised to offer you, begging you to understand it to be without stipulation or pledge of any sort or kind, saving that which, of course, you would feel it just to admit, namely, to resign whenever your politics should differ from the person who has the means of recommending you to the seat. The expense will be merely the dinner, which I rather think does not usually amount to more than 30*l.* or 40*l.*

If this meets with your wishes, I will trouble you to let me know, as I am sure it has long been an object with the person whose sentiments I speak, to place you where your character and abilities have before rendered you so useful; and it has only been from unavoidable circumstances that the offer was delayed.

Ever believe me, dear Horner, truly yours,

W. FREEMANTLE.

LETTER CXCVIII. TO WILLIAM FREEMANTLE, ESQ.

Dear Freemantle, Exeter, 17th March, 1813.

I have this evening received your letter dated yesterday, and at the same time the one which you had sent the day before to Lincoln's Inn. It is a very high gratification to me to have been supposed in any degree worthy of the proposal which you have

1813. Æt. 35. had the kindness to convey to me, and nothing can be more perfectly satisfactory to my mind than the terms in which you have expressed it. I beg, therefore, you will be so good as to communicate my acceptance of this offer, by which I feel myself to be so much flattered and obliged. It will not be in my power to return to London for some time; but you will, perhaps, take the trouble of writing to me, when you can give me further information or directions.

Believe me yours truly,

FRA. HORNER.

LETTER CXCIX. TO LORD HOLLAND.

Dear Lord Holland, London, 20th May, 1813.

Your argument, from the manifesto of the Regency, does not admit of an answer; yet the foolish people, who manage the No-Popery cause at present, were all delighted with the appearance of those documents.

You and Allen must be right, I think, about the advantage to be derived from keeping the Dissenters and Catholics on the same footing, so as to give to each the services of the other in their common cause: though I was not prepared to go so far as he did some time ago, that the Catholics should not be relieved, if we could not give the Dissenters at the same time all they ought to have. It will be a great consolation to Lord Grey, to find what your sentiments are upon the omission of the words respecting the Sacrament in the Catholic Bill; for his chief apprehension on that point seemed to be, that you would think the Dissenters ill used by that omission. For myself, I would rather, I own, have given the Catholics that

farther step, though one a head of the Dissenters; for it seems that we can hardly expect to obtain our object of complete toleration by regular approaches, or by skilful management of parties, but that we must scramble for it, and make the most of lucky moments, and take as much for any description of sectaries as the accidents or humour of the day will let us have. And, indeed, I think, if we had got an express release from the Sacramental Test to the Catholics, the argument for granting the same ease to Protestant Dissenters would next year have been found irresistible. However, it will be some comfort for the loss of this, if it shall have the effect of inducing the Dissenters and Catholics to pull together. 1813. Æt. 35.

Have you heard enough of our doings in Sicily, in March last, to have formed an opinion upon them? They have very much the cast of our Indian proceedings with nabobs and rajahs. There are stories of some arbitrary imprisonments, which I do not like, and both King and Queen seem to have been treated with more violence than was warrantable, without doing more: but I am imperfectly informed about this. Lamb, I suppose, has come home to give government a full account of all that has passed.

Ever yours truly,

FRA. HORNER.

From the time of Mr. Horner's return as member for St. Mawes, on the 17th of April, to the end of the session on the 22d of July, he is reported to have spoken on five occasions, but only very briefly on each.

In a discussion on the affairs of India, on the 14th of June, Sir John Newport contended, that the pre-

1813. Æt. 35. amble of the bill then under the consideration of the House should declare,—that the sovereignty of the Crown of the United Kingdom of Great Britain and Ireland over the territory and population of India is paramount and undoubted. Mr. Horner took the same view of the question, and said, "he considered such a declaration to be peculiarly necessary, as well from certain assertions which had been made by an honourable director of the East India Company in that House, as to a claim of property in India, independent of the Crown, as from several publications which had gone forth, affecting to support the pretensions of the East India Company. But this declaration was also expedient, with reference to the claims frequently advanced heretofore by foreign powers, which claims might be renewed on the return of peace."

Next day Sir Henry Parnell, as chairman of a Select Committee on the Corn Trade of the United Kingdom, called the attention of the House to the report of the committee, which had been laid on the table. A series of resolutions had been laid before the House, of which the two most important were to this effect:—to allow the free exportation of corn from the United Kingdom, without duty and without bounty; and, to allow the importation of corn under a graduated scale of duties. Sir Henry Parnell moved, "That the House will immediately resolve itself into a Committee of the whole House, to consider of the said Report."

Lord Archibald Hamilton moved as an amendment, "That the Report be taken into consideration this day three months;" and the Chancellor of the Exchequer having spoken in favour of going into committee, Mr. Horner said, that "he was astonished that the Chancellor of the Exchequer should lend

his authority to a project like the present. It so happened, that though we had corn laws in our statute book, we had, in fact, no corn laws, and that there was the most perfect freedom in the trade of grain. Now, what was the state of the country with respect to agricultural improvement? The fact was, that tillage had never increased so much, and that prices had never been before so regular. For this, if reference was necessary, he would refer to the Report itself. With respect to the supply of grain from foreign countries, the evil was admitted to be, not in the supply itself, but in the danger to which it was exposed of being cut off. Now, it so happened, that at a time when it was the policy of an enemy to prevent our supply, and when political circumstances were the most favourable for such a measure, the amount of foreign grain imported into this country had been greater than ever. This Report proved, that in spite of all the regulations of the enemy, whenever this country was in want of foreign grain, it could get it. There were several principles in the Report, with which he agreed: he had no hesitation in agreeing to exportation, and the abolition of a bounty. But the discussion of that night convinced him, that these principles were merely thrown out by way of conciliation, and that the main object of the measure was to prevent importation from foreign countries, except when prices should rise to the enormous sums stated in the Report. At present, he contended, the price of corn was high beyond example, and was such as to afford a fair profit both to landlord and tenant. Supposing the measure of his honourable friend, the worthy baronet (Sir Henry Parnell), to be adopted, then would the increase in the price of grain go on, depending not on the value but

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1813. Æt. 35. on the depreciation of the commodity. The poor lists of the different parishes in the country, he contended, were loaded with persons perfectly able to exist by their labour, were it not for the high artificial price of commodities. It was only by those artificial prices that the poor were prevented from living, without being burdensome on the community."

The amendment was lost, 32 only voting for it, and 136 against it.

LETTER CC. TO LORD GRENVILLE.

My dear Lord, Lincoln's Inn, 22d July, 1813.

I flattered myself it would have been in my power to avail myself of your Lordship's kindness, in asking me to Dropmore, and that it would have been in my power to have proposed a visit to your Lordship before going the circuit; but I have been so much occupied, that I shall be under the necessity of setting out for the West of England, without having that gratification.

A singular political event, and one not very intelligible, was announced last night; that Canning has formally, and with some solemnity, disbanded his party; telling the gentlemen who have been his supporters during the session, that they may for the future, consider themselves as unengaged; and that he is no longer to be regarded as their head. Ward says they are all turned adrift upon the wide world, but as he has stayed a year in his place, he thinks himself entitled to a good character from his master. He had his discharge from the mouth of Canning himself, the day before yesterday; and the same notification was made to Mr. Robert Smith yesterday.

The only other circumstance I have yet heard, connected with this strange incident, is, that Wellesley Pole has been complaining very much that Canning did not bring matters to bear with the ministry, and that he is now considered both by the Marquis his brother, and by Canning, as perfectly free to do what he can in that way for himself. Whether this is a deep measure, or the sudden effect of some ill humour; and whether Canning, in reducing his establishment thus abruptly, points towards Government or Opposition; I have heard nothing yet that enables me to guess. But very erroneous ideas these men must have of party connexion, or indeed of political morality, who consider their parliamentary associations as held together and as dissoluble without any reference to opinions. 1813. Æt. 35.

I dare say your Lordship will receive from others a more correct and particular account of this occurrence; but it is so odd a one, and so much deserves to be well understood and watched, that I have taken the chance, by my report of it, of contributing to give your Lordship a full account.

I beg you will present my compliments to Lady Grenville, and am ever,

My dear Lord,

Most sincerely and faithfully,

Yours,

FRA. HORNER.

LETTER CCI. TO LADY HOLLAND.

Dear Lady Holland, London, 23d July, 1813.

I delivered your message to Whishaw, and he will bring me to-morrow; when I hope we shall find

1813. Æt. 35. you better. What do the judges of such things say to the Speaker's harangue*, which seems very much out of the ordinary course; and is more like the panegyrics which the French government pronounces upon itself by the mouth of a senator or tribune, than the propriety and reserve that ought to be adhered to by the president of an assembly really free. That part of it which refers to the Catholic question, considering the numbers of the vote and the circumstances under which it was notoriously procured, is out of all decency. Have you heard any thing more of Canning's abdication?

Yours affectionately,

FRA. HORNER.

LETTER CCII. FROM LORD GRENVILLE.

My dear Sir, Dropmore, 25th July, 1813.

It is a great disappointment to us not to have the pleasure of seeing you before you set off for the West. I hope you will make this place in your way, on your return, if you possibly can.

Living in a time of strange events, yet I have been

* The Speaker (Mr. Abbot, afterwards Lord Colchester), after stating that a financial plan had been devised and executed to postpone or greatly mitigate the demands for new taxation, and that measures had been adopted for the future government of the British possessions in India, which would combine the greatest advantages of commerce and revenue, and provide also for the lasting prosperity and happiness of that portion of the British Empire, thus continued: —

"But, Sir, these are not the only subjects to which our attention has been called: other momentous changes have been *proposed for our consideration*. Adhering, however, to those laws by which the Throne, the Parliament, and the Government of this country are made fundamentally Protestant, we have not consented to allow, that those who acknowledge a foreign jurisdiction, should be authorised to administer the powers and jurisdiction of this realm; willing as we are, nevertheless, and willing, as I trust we ever shall be, to allow the largest scope to religious toleration."—*Hansard's Debates.* — ED.

seldom more surprised than by that which you mention in your letter. What I most lament in it is, the discredit which it throws on all party connection, the upholding which, on its true foundation of public principle, I take to be essential to the benefit of a parliamentary constitution. 1813. Æt. 35.

Otherwise the mere fact of a party being thus dissolved, shows abundantly it could exist to no good purpose. How Pole is to come into office I do not well understand, as his pretensions are said to be so high. Canning, if he is to be had singly, would I suppose be a very desirable acquisition indeed to a government so unusually weak as this is in House of Commons' debate.

Ever, my dear Sir, most truly yours,

GRENVILLE.

P. S. I have been not a little surprised by the Speaker's speech, if we are to take the newspaper report of it as correct. Does your recollection furnish you with any instance of a Speaker remarking to the Throne on motions made, *but* rejected, in the House of Commons. How is the King (or Prince Regent) to know that such matters passed there? and what authority has the Speaker to assign grounds of such decisions?

LETTER CCIII. TO HIS SISTER, MISS ANNE HORNER.*

My dear Nancy, Sarum, 2d August, 1813.

I had the pleasure of receiving your letter at Winchester. It was very kindly done of you and

* She married, in 1821, Major William Power, of the 7th Regiment of Dragoon Guards.

1813. Ætat. 35. Fanny to take advantage of my mother's absence at Kentish Town, to save her as much as possible of the irksome labour she would have undertaken had she been at home. It is a very melancholy event this to me; for I shall be the greatest sufferer, by losing my home, and being left to my solitude in Lincoln's Inn. But I trust your absence will not last longer than the winter.*

I made a pleasant excursion to the sea-coast from Winchester on Saturday. I set out early enough to arrive to breakfast at Cuffnell's, old George Rose's, where I had appointed to meet his son William. Old George has got a very comfortable and pretty place, and was all over civility and sincerity: he has built a large room for Lord Marchmont's library, and there are a few original portraits that were left him likewise, the best of which is Richardson's of Pope, the same that is spoken of somewhere by Sterne; there is a daub of Lord Bolingbroke, and another of Sir William Windham, but apparently good likenesses; the former I knew at once, from the bust I have seen at Lord Egremont's, and the latter is like all the family of the Grenvilles. I went with William Rose in a gig to his house at Muddiford, near Christ Church, and passed a very agreeable day: he has much literary conversation of all kinds; he had a great deal to tell of his travels last year, which he undertook for the recovery of his health, in the course of which he saw Sicily, Constantinople, and the plain of Troy. At Muddiford he has built a fanciful house, close to the beach, and except that he has made a library with a Grecian façade, it is not very different in appearance from the habitation of Robinson Crusoe.

* His father left London, and again fixed his residence in Edinburgh. — Ed.

I came here yesterday by Ringwood and Fordingbridge. 1813. Æt. 36.

Yours, most affectionately,

FRA. HORNER.

LETTER CCIV. TO HIS SISTER, MISS HORNER.

My dear Fanny, Bulstrode, 9th Sept. 1813.

I did not leave Cheltenham with Lord Webb till yesterday, and we came no farther than Oxford, where we slept. The morning unluckily was not favourable for going about, but we lounged a little among the venerable buildings. I shall stay here to-morrow; Rogers, and Mr. Stewart of Glasserton *, are of the party.

I spent a most agreeable ten days at Cheltenham; from the first day I felt myself in a family party. We spent the whole day at Lady Carnegie's house at Bay's Hill, about a quarter of a mile from the town; by the whole day, I mean beginning with breakfast, and keeping it up till past midnight. In the morning as many as were disposed made out a ride or a long walk, before and after which there was some loitering under those old trees, and in the evening, after a genuine "*four-hours*," all round a table, we had music and waltzing; we, I say, for after some morning lessons from Miss Elliot, I was hardy enough to attempt to swing, "*and mock'd all tune, and marr'd the dancer's skill.*" In the course of our rides or walks, we saw the old abbey church at Tewksbury, the ruins of Sudely Castle, where Queen Catherine Parr lived, after her second marriage, and the ancient

* Now, The Right Hon. James A. Stewart Mackenzie: the present Lord High Commissioner of the Ionian Islands.

1813. Æt. 36. house of Squire Delabere, who, at eighty-three years of age, lives with a brother and two sisters, all very old, and all unmarried, being the last of a family which dates from the Conquest, and had a knighthood in it, for saving the Black Prince at Poictiers.

London, September 13th. — So much of a letter was written to you last Thursday evening; the two days after that, which I stayed at Bulstrode, were consumed upon some unavoidable letters of business. I came yesterday to town with Rogers, a very entertaining companion at all times, by the original remarks he has been storing up all his life about the ways and modes of London, and the characters he has seen in it; and, when he is in the humour for showing his own real sentiments, an amiable and enlightened companion, as I found him yesterday.

I meant in that letter to have given you some account of the very agreeable ladies I passed my time with at Cheltenham; I might refer you to Murray for his opinion of Lady Carnegie, for through him I have known something of her for several years; but you may tell him that he had not exaggerated any thing in the praises he often bestowed upon her. She is an instance of the best Scotch female manners, affability, sincerity, a turn for speculation and inquiry, sprightliness of understanding as well as manner, united with a great relish for humour, and considerable execution in that way, and all refined and regulated by natural good sense, and the experience of good company. There is not a word of panegyric in what I am saying; it is but a very imperfect likeness of her. Nothing can be more delightful than to find such a character at the head of a very large family, and to see all the cares and anxieties it must occasion borne so gracefully. I

must not allow myself to write with the same truth of the young ladies, lest you become censorious; you have some notion of my taste, and what I require to be pleased, and will therefore guess that I should not have been so much gratified as I was, if I had not, besides an unusual degree of information, and that use of accomplishments which gives an air of elegance to common sense, and to good feelings, found in them a cheerful activity, and polished unaffected manners. This is what they have in common: they all differ however in character. 1813. Æt. 36.

I am glad to hear you are reading regularly,—I should like much to know more particularly what your schemes are in that way. Besides the usual chances of new books and periodical publications that must be read as they are passing, in order that you may be up with other people in conversation, and indeed to profit most by conversation which derives excellent topics from these materials, I strongly advise you to have some settled plan of your own for the winter, in which a little may be done every day, by which a great deal will be found done at the end of the campaign, some one subject to be mastered thoroughly, by reading the best of all that relates to it, and keep it a secret to yourself, and Nancy, and me; for talking spoils all such undertakings, and cuts them short. If you take one, and Nancy another, there will be information upon both, for both of you, when you want it; and for me, too, when we all live together again; and one little scheme of that sort, fairly and well executed in the course of the year, will, at the end of two or three years, leave you in possession of more than you can dream of at present. While it is going on, nothing is so satisfactory as to have that regular occupation to lean

1813. Æt. 36. upon as a resource, for a portion of every day. I seem to have written you a monstrous wise letter in the latter part of it; for fear of getting too deep into the prosing line, it is high time I should stop.

Yours affectionately,

FRA. HORNER.

LETTER CCV. TO J. A. MURRAY, ESQ.

My dear Murray, London, 29th Sept. 1813.

I approve highly of your scheme, and shall have greater pleasure in the visit I have promised at Minto, by meeting you there. About the 12th or 13th I expect to arrive in that part of the world; though this is a little uncertain, for I cannot say to a day when the Sessions will be over. My visit must be a very short one indeed, for I am anxious to be in Edinburgh, and to pass as much as possible of the time I shall be in Scotland with my family.

I am impatient to have a talk with you about continental politics; about which, my warlike feelings have now spread from Spain to Prussia. It seems certain, that the immense loss of veterans and officers in the Russian campaign has, for a long time to come, impaired the vigour of the French soldiery; and also, that there is at last a strong national spirit roused into action in the north of Germany. The independence of those nations may yet be restored; and the Continent saved from that military despotism which two years ago seemed irresistible. But there are a thousand things to discuss, before you will allow me to acquiesce in this conclusion, I know; I am the more anxious to be kept right, because I suspect many of our Whig friends do not move so fast as I

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have been going for the last six weeks. What a singular fate is Moreau's! The loss of his advice to the allies, an incalculable injury. His military fame will probably be heightened with posterity, by the last passage of his life, not only for the confidence which Europe felt in his name, but for the greatness of that design with which he opened the campaign. His moral reputation is, according to my sentiments of such conduct, stained with guilt, by taking arms against his country; though there are casuists, and I know some rigid ones, who deny there is any indefeasible allegiance, and hold him to have been absolved by banishment; I cannot, however, see it in that light; and his joining the allies, like a Swiss, or a Condottiere, whether excited by hatred of Bonaparte or by love of arms, strikes me as one of the many instances which the French Revolution affords, though on occasions mostly of a different sort, of that deficiency of moral principle without which no historical greatness is to be attained.

Ever yours affectionately,

FRA. HORNER.

LETTER CCVI. TO JOHN ALLEN, ESQ.

Dear Allen, Edinburgh, 25th Oct. 1813.

Your account of the view which Lord Grenville is expected to take of Continental affairs, in a speech upon the first day of the session, has relieved me from an anxiety which I felt on that subject; for I have had fears, that we were to make the same false step respecting this German war, that has been so fatal to the party, and deservedly so, with respect to the Spanish cause. That the financial difficulties of

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the country will be increased by our embarking so deeply with the allies, as I think we ought to do, is true, and ought not to be disguised; that the sanguine expectations, professed by the friends of government, of a speedy settlement of the affairs of Europe, have apparently no just foundation in the present aspect of them, ought likewise, in my opinion, to be stated: but I cannot hesitate now in believing, that the determination of the French military force, and the insurrection of national spirit in the North of Germany, form a new conjuncture, in which the Whigs ought to adopt the war system, upon the very same principle which prompted them to stigmatise it as unjust in 1793, and as premature in 1803. The crisis of Spanish politics in May, 1808, seemed to me the first turn of things in a contrary direction; and I have never ceased to lament that our party took a course, so inconsistent with the true Whig principles of continental policy, so revolting to the popular feelings of the country, and to every true feeling for the liberties and independence of mankind. To own that error now, is a greater effort of magnanimity than can be asked for; but the practical effects of it will gradually be repaired, if a right line of conduct is taken with respect to German affairs.

Give my kindest regards to Lady Holland. I received Lord Holland's letter.

Ever faithfully yours,

FRA. HORNER.

LETTER CCVII. TO LORD WEBB SEYMOUR.

My dear Seymour, Edinburgh, 26th Oct. 1813.

I received your letter of the 14th instant, and took it very kind that you gave me some account of

the proceedings of our Berkeley Street party, after I left it; in the fate of which, and all its doings, I felt so lively an interest. Those few days, and the week we passed at Cheltenham, continue to afford me much gratification in the recollection of all we enjoyed, and in the confidence that I have added to the number of my friends Lady Carnegie and one or two of her daughters. It was a very pleasing sequel to the period we had spent together, to have a couple of days at Minto, to communicate my impressions to Lady Anna Maria, and compare them with her judgments of her friends, which are so discriminating, and yet so affectionate. Your guess was correct by halves, as to my occupations at Minto; the state of Europe I discussed with William Elliot, and found we entirely coincided in our view of the new conjuncture which marks the present year, as well as of the conduct which ought to be pursued in parliament with regard to it. My notions I had imperfectly communicated to you before; it was delightful to me to have them cleared, and raised, and confirmed by Elliot's sagacious and comprehensive ideas.* 1813. Æt. 36.

I spent the best part of two days at Kinneil last week; my two sisters, Playfair, Murray, and Thomson, formed the party. You will understand that I was highly gratified; with nothing more, however, than to see them both so well, particularly Mr. Stewart, whose robust and tranquillised health makes me hope to see him live to the age of Plato, and continue writing to the last. I had 472 printed pages of his new volume†

* The Right Hon. William Elliot, M. P., a relative of the Earl of Minto. He was the intimate friend of Mr. Burke, Mr. Windham, and Dr. Lawrence; and was much beloved and respected by all who knew him. When the Duke of Bedford was Lord Lieutenant of Ireland in 1806, Mr. Elliot was Chief Secretary. — Ed.

† The second volume of the Elements of the Philosophy of the Human Mind.

1813. Æt. 36. in my hands, ran through a considerable portion of it cursorily, and read one or two chapters with ease; particularly one, in which he has placed the doctrine of the Nominalists, with regard to general ideas, in so striking and clear a light, that no conceptualist, I think, will any longer surmise that there is any shadow of a general idea; he has been remarkably fortunate in illustrating the use of signs in reasoning, by tracing the history of a student's mind, as he learns the first book of elementary geometry. We shall hear, however, what Dr. Thomas Brown has yet to say for the conceptualists; Playfair, I was surprised to find, leans to the same heresy. It seems probable that Stewart's remarks upon the writings of Aristotle, and upon the use which has been made of them in modern times, will excite a little commotion, and do a little good at Oxford. They will still make some fight for Dr. Aldrich; but he is fast on his way to the catacombs. If the Stagirite himself could be *provoked* to hear such things, he would, I make little doubt, be far more proud of Stewart's estimate of his merits, and of the ground on which *he* rests his fame, than of all the devotion of all the doctors in convocation.

Yours ever affectionately,

FRA. HORNER.

Parliament met on the 4th of November, and sat till the 20th of December, when an adjournment took place to the 1st of March; and on that day, in consequence of a message from the Prince Regent, there was a farther adjournment to the 21st of March.

From the commencement of this session, Mr. Horner took a more active part in the business before the House. He is reported as having spoken frequently, and

his speeches are given at greater length in the reports of the debates. 1813. Æt. 36.

Government brought in a bill on the 29th of November "For continuing an Act for the inflicting the punishment of death on all persons convicted of maliciously breaking lace and stocking frames, or cutting any lace or stockings in such frames." Mr. Horner strenuously opposed this measure, in several stages of the bill: he contended,—

"That there was no plea of necessity for the continuance of so cruel a law. There might be circumstances which would render that an offence at one time which would be quite innocent at another; as, for instance, an act had once existed against drinking healths, because that was a badge of hostility to the Crown—the sign of a disloyal conspiracy. The cutting of stockings or lace might two years back be deemed a capital offence, because such was the conduct of a dangerous combination; and yet such cutting might be consistently met at this day by a much less severe punishment, because the combination had ceased to exist. He could see no reason for retaining the capital punishment in the act under consideration: in point of fact, this act had never been enforced, either at the commission or elsewhere, the delinquencies which the act professed to have in view being all met by the old established laws of the land. By that law he wished the country to be governed, and it was quite disarranged by such statutes as that under discussion. Such statutes, indeed, as were too severe in comparison with the offence against which they professed to provide only served to put the ingenuity of the judges in action, in order to evade them."

The Attorney-general (Sir William Garrow) having

1813. Æt. 36. said, in an after stage of the bill, on the 6th of December, that the diminution of the punishment would be at the discretion of the judge, Mr. Horner observed upon this,—"That the House knew but too well the practice that had prevailed on this subject. The recent discussions on the proposed repeal of some of the old statutes had put them in possession of it. In the times when those statutes were passed, a more extended discretion might be necessary; but was it to be endured, when passing a new penal law, that parliament should be told, 'Make the punishment as severe as you can; the judges will take care that it shall seldom be inflicted?' He had always thought that it was the peculiar praise of the British law, possessing as we did judges of great wisdom and unimpeached integrity, that, nevertheless, their discretion, in cases of a criminal nature, should be narrowed as much as possible. In the best works on jurisprudence, it had always been laid down as a principle,—that, although the quantum of punishment might sometimes be left to the discretion of the judges, the description of it should always be regulated by the law."

A bill to amend the law relating to insolvent debtors, particularly as to the discharge of them when in prison, was read a third time on the 7th of December. Mr. Serjeant Best* proposed the introduction of a clause to extend the benefits of the bill to debtors not in prison; or, not going to prison, who were insolvent, and could satisfactorily prove that their insolvency was the result, not of criminal extravagance, but of inevitable misfortune.

Mr. Horner resisted the proposal of the learned

* The present Lord Wynford.

serjeant: he said,—"He was not prepared to say that there might not be great wisdom in the adoption of such a proposition, but it was an innovation on the existing law of such an extent, as to require a great deal of consideration; and he would take upon himself to assert, that a more novel or a more daring innovation on our jurisprudence had never been proposed, either in that House or elsewhere. It was very true that there were cases, in which insolvency could be traced only to an extraordinary concurrence of calamitous circumstances, and in which the insolvent person was wholly free from blame. At the same time, it was well known that those cases were of rare occurrence; and that the task of distinguishing between such cases and cases of an opposite description, was one of the most unfit duties that could be imposed on courts of justice. For what were the objects that courts of justice must consider, in an investigation of that nature? They must examine the whole history and circumstances of a man's life, from his commencement in business, until the period at which his affairs might be brought before them! They must inquire into all his connections—they must ascertain all his resources—they must investigate all his modes of expenditure—they must trace him through all the ramifications of his manners, and habits, and occupations. Even if a moral tribunal were constituted for such a purpose, it would be found inadequate to its execution; but that a person, possessed of such legal knowledge and experience as the honourable and learned serjeant, should think of making it a matter of judicial proceeding, did, he confessed, not a little surprise him. He repeated, that the cases were rare in which insolvency was attributable solely to misfortune. More or less of indiscretion and criminality was usu-

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ally mingled with the cause; and, in his opinion, it was much better to leave the determination on this subject with those individuals with whom an insolvent person had now to deal (his creditors) than to submit it to any tribunal whatever, moral or judicial. Those individuals had the best opportunities of knowing, from their acquaintance with the debtor, whether or not his conduct had been culpable or otherwise. The honourable and learned serjeant, however, seemed not to think so; and all at once, on the third reading of the bill, he proposed a clause, declaring that an insolvent person, who could show that he had become insolvent from misfortune alone, and who had surrendered all his effects, should be discharged without an hour's imprisonment—without affording the time required to make the necessary arrangements attendant on all insolvency, and in which arrangements the insolvent person was frequently as much interested as any other person." The clause was negatived without a division.

On the 13th of December, Mr. Horner proposed to the House, to adopt certain resolutions which might prevent the introduction of any clause or clauses into local bills for the relief of the poor, contrary to and inconsistent with the established law of the land. He stated, "That the objectionable clauses in question easily found their way into local poor bills, because they, being of the nature of private bills, did not receive that attention from the House which would be likely to prevent the introduction of them. It appeared from the report of the committee, that these clauses were of a two-fold description. The one sort went to alter the law of the land in the mode of assessments, rating, &c., which ought never to be permitted, unless a strong exception could be made

out in the case of particular districts, where the adoption of the ordinary methods would be inadequate. The other sort of clauses altered the law of settlement in certain parishes, and (to the shame of the legislature be it spoken) gave the power of inflicting corporal punishment on the poor to persons quite unfit for such an authority. It was his decided opinion, that upon no pretence whatever ought such clauses as these last to receive the sanction of that House; and it was to these in particular that he now meant his intended remedy to apply. Some regulation, indeed, ought to be adopted with respect to the others, relating to the mode of assessment, rating, &c.; but a remedy for that would, perhaps, grow more naturally out of the discussion on the bill of his learned friend (Mr. Serjeant Onslow). He should therefore, move, that it be a standing order of the House, for the present session, that no bill should be introduced containing any clause or clauses relating to the settlement of the poor, or the corporal punishment of them, contrary to the law of the land." 1813. Æt. 36.

The Chancellor of the Exchequer expressed his entire concurrence in the sentiments of Mr. Horner, and his satisfaction at the manner in which he had introduced his resolutions: they were also approved of by Mr. Serjeant Onslow, Sir Samuel Romilly, and others, and were passed unanimously.

LETTER CCVIII. FROM LORD GRENVILLE.

My dear Sir, Dropmore, 7th Feb. 1814.

My notion is that the Speaker's speech ought to be considered simply as a breach of privilege, on the constitutional ground which you mention, and

1814. Æt. 36. according to the old doctrine, that the Speaker has neither eyes to see, ears to hear, nor tongue to speak, in the business of the House, but as the House commands.*

The question of discretion I should myself disclaim, saying distinctly, that if I thought the Speaker had any such discretion to exercise, though even then I should think this a very *indiscreet* use of it, yet I should by no means wish the House to interpose with any censure of a mere error in judgment, however glaring. But if we are right in our view of the case, it is absolutely necessary to declare, for the purpose of the future maintenance of the privileges of the House of Commons, that they have not intrusted to their Speaker any discretion to communicate to the Throne, in presence of the Lords, any part of the proceedings of the House, other than such as have been brought to that state in which they are constitutionally and *necessarily*, and by order of the House itself, so communicated.

In this view of the case, the proper course, I think, would be, to begin by a resolution simply declaratory of the law of parliament and privilege of the House of Commons in this respect. Nor do I see that in any case, whether of the passing or rejection of this resolution, it could be necessary to follow it by any vote directly applying this rule to the recent conduct of the Speaker. In such a case, prevention is the proper object to be professed and to be pursued; and this will, I think, infallibly be obtained by such a motion, in whatever manner it may happen to be disposed of at this moment.

The wording of such a motion would require some

* See Letter to Lady Holland, page 150, and from Lord Grenville, page 151.

care and attention; to be quite sure that the privilege is correctly and accurately stated; and on this subject it is probable that Charles Williams Wynne, who has, I doubt not, looked carefully through the precedents, can give better advice than any body else. 1814. Æt. 36.

For the argument, however, it is obvious that, in this way of treating the subject, precedents are of much less importance, because the Speaker's speeches not being properly matter of record, it was natural, and indeed unavoidable, that slight breaches of the rule should pass unnoticed; and it is not until the violation of it is gross and flagrant, that it attracts attention. This is the case with almost every other privilege of parliament: the daily and habitual breach of these in slight cases is never understood to prejudice, in the slightest manner, the rule of privilege itself, which it remains in the breast of the House to exercise and assert to its full extent, whenever the occasion requires it. In the present case, it may easily be shown that the violation is such as, if wholly unnoticed, must destroy the privilege itself.

I confess I doubt whether the matter has hitherto been taken up and spoken of quite in as high a tone as its importance requires; if it be, as I really believe, the greatest *direct* violation of the *independence* of the House of Commons that has been attempted, I might say, for a century and a half. By *independence*, I do not, of course, mean its right of free action, with which this matter has no concern, but its right of separate, distinct, and *uncommunicated* proceeding. It is far less in degree, but in principle exactly similar to the case I alluded to at the beginning of this note, the case of the five members.

Ever most truly yours,

GRENVILLE.

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LETTER CCIX. TO J. A. MURRAY, ESQ.

My dear Murray, Lincoln's Inn, 25th Feb. 1814.

I fear you have been looking upon me for some time past as unpardonably idle, in omitting so long to write to you. I can be a very diligent correspondent, if we keep up a pretty constant fire of great or small shot; but if a pause takes place, it seems as if neither of us could break it.

I have read Mr. Stewart's new volume with great satisfaction and instruction; it is full of matter, little to the taste of readers of the present day, but highly valuable for every person who, in any intellectual pursuit or profession, is called upon to correct and strengthen his understanding. Besides, I like these subjects. What seems to me the most complete, as well as original portion of the volume, is all that which treats of mathematical evidence and reasoning. The part I cared for least, is the dissertation upon Aristotle's logic, though it can hardly fail to have some salutary influence upon education in England, provided it provokes anger at Oxford. I wish he had examined more fully, and perhaps with rather more perspicuity, that curious but difficult subject, Analogy, on which he has made some observations that make one regret they are not farther pursued. In his remarks upon the use of final causes in philosophy, he is clear as well as just; but these he might have illustrated more at length; and it would have been a great service, as a practical guide to those who would profit by these remarks, had he brought us nearer to an express rule for distinguishing the use of that auxiliary in scientific inquiry, from the abuses of which it is susceptible in all the sciences.

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In the present low state of literature, while any thing is the mode but studies of a high aim, this volume may possibly draw less admiration than his former writings, where he had more occasions to illuminate his metaphysical reasonings, for popular effect, by applications of moral and critical reflections; but it cannot fail to give greater solidity to his philosophical reputation.

I cannot pretend to give you any news; for I see nobody that knows more than the newspapers give us. The state of public opinion is an amusing subject of observation at the present moment; I never knew it more violent or more nearly unanimous, though I find myself, by the compulsion of all the reflections that I have been able to make upon this great crisis, in the small minority of those who dread the consequences of the restoration of the Bourbons, or the conquest of France. Some of the wisest men, I know, are praying for, and even expecting, the restitution of the church lands. The anxiety of this suspense is quite painful; it cannot last much longer.

Ever affectionately yours,

FRA. HORNER.

Parliament re-assembled, pursuant to the adjournments, on the 21st of March, but Mr. Horner's name does not appear in any of the debates until the 2d of May: during the greater part of the interval, he was on the circuit. From that time, to the close of the session on the 30th of July, he spoke on several occasions: the most important of these were, when the Corn Laws were under consideration on the 13th and 16th of May, and a motion which he himself made on the 28th of June, for the production of papers to

1814. Æt. 36. show, how far ministers, in the late negotiations for peace, had exerted their influence to promote the abolition of the African slave-trade, on the part of France. As his speeches on these occasions are reported at some length, and as they do not refer merely to the time when they were delivered, but are on subjects of a more general interest, I have inserted them in the Appendix, as they are given in Hansard's Debates.

A bill had been introduced by Government on the 8th of July, "to provide for the preserving and restoring of peace in such parts of Ireland as may, at any time, be disturbed by seditious persons, or by persons entering into any unlawful combinations or conspiracies;" and on the motion for the second reading of the bill, on the 13th of July, Mr. Horner opposed it.

"He arraigned it as an unconstitutional measure, and brought forward, towards the close of the session, when most of the members for Ireland were absent, without any statement that it was called for by any sudden emergency, or any new or extraordinary occurrence in Ireland. It was a measure which, as it stood, would go to deprive his Majesty's subjects in Ireland of the invaluable privilege of grand and petit juries, and transfer the office of these juries to county magistrates, who, with the aid of a serjeant or barrister-at-law, were to try and condemn to transportation, for an indefinite time, any persons whom they should deem guilty of offences, not defined by law, and, at most, merely constructive. He deprecated the habit of bringing bills into the House, of late, to pass new laws for Ireland, without laying any foundation to satisfy the House of the necessity of such laws, and in the absence of the members for Ireland, who were

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most competent to judge of such necessity; and such was the bill introduced this night, for extending to Ireland the English law of extents, the policy of which was extremely questioned in this country by the ablest lawyers and statesmen, and must be therefore still more questioned in a country where it never was introduced before. As to the present bill, he was convinced it must tend rather to exasperate the people, and considerably exaggerate the mischief it proposed to remedy, than to produce any salutary consequences; and he never could consent, without grounds infinitely stronger than he had heard, to such a violation of the constitution of the country, as to abolish the trial by jury, or suspend the ordinary and constitutional operation of the laws, which must be fully adequate to all necessary purposes."

The following night Mr. Hiley Addington, Undersecretary of State for the Home Department, moved the second reading of a Bill for the repeal of the existing Alien Act, and to substitute another. "He described it as being nothing more than a renewal of the Act of 1802; that it did not give greater power to ministers than they were entrusted with by that Act: whether these powers were originally too great it was for the House to decide; for his own part, considering all circumstances, he had never been of opinion that that Act went too far." Mr. Horner on that occasion said,—

"It was not enough to urge, in support of any measure, that it was a transcript of some former act of parliament. There had been many suspensions of the Habeas Corpus Act, each of which was the transcript of some other; but such a measure would at any time be very ill received, without some statement of the necessity of taking from his Majesty's subjects their

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constitutional protection. The Bill before the House was a measure analogous to the suspension of the Habeas Corpus, for it took from the aliens, in amity with his Majesty, that protection which it was the boast of our constitution to afford them. The question then returned to the necessity of the case; and he should assume that none such existed, because it had even been alleged that the present state of things was not in any degree extraordinary. The policy of the first Act on this subject was, to prevent the influx of dangerous foreign political principles. In the feverish time which followed the last war, the same danger was apprehended to exist. Could it be said, that any trace of the circumstances of those times existed at present? Indeed, at present, there was a greater fear of an influx of those which were thought the dangerous principles of France in a former period of our constitution, the principles of arbitrary government. These principles, however, it was fortunate were not of a nature to inflame the people in their favour. As there had been stated no ground of necessity for the measure, it should have his decided opposition; and not the less for one of the reasons stated in support of it by the right honourable gentleman opposite to him, that a power, similar to that given to the Government by this Bill, was possessed by all the other governments of Europe. All these sovereigns possessed the same arbitrary power over their own subjects, yet it would not be contended that, in this respect, we should assimilate our institutions to theirs."

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LETTER CCX. TO HIS FATHER.

My dear Sir, Lincoln's Inn, 10th June, 1814.

I had the pleasure of receiving a letter from you the end of last week, which I would have answered sooner if I had not been very busy.

I have been doing more business this spring than ever before; chiefly in the House of Lords, upon Scotch appeals, though I have had a few glimpses of business opening to me in other channels. The circuit, which I must mainly look to, stands just as it has done for a year or two; when any material amendment takes place, I shall be sure to let you know. In the mean time, you will be glad to be assured that my business, such as it is at present altogether, makes me quite independent; and that I have no fear of its falling short of that.

Believe me, my dear Sir,
Most affectionately yours,
FRA. HORNER.

LETTER CCXI. TO J. A. MURRAY, ESQ.

My dear Murray, London, 26th June, 1814.

I have had some talk with William* about our travelling plans, which it is time now to take seriously into our consideration. We shall finish the assizes at Wells on Wednesday, the 17th of August, and I mean to save myself the trouble of going to Bristol; so that we may be sure of setting sail, either from Dover or Brighton, on Saturday, the 20th.

* Mr. Murray's brother. See Vol. I. p. 284.

1814. Æt. 36. Have you been planning any alterations of the route we talked of? That was, if I remember right, to go by Dijon to Geneva, and, after seeing the Lake, to come by Chambery and the Great Chartreuse round to Lyons, then down the Rhone to Marseilles; and we had left it uncertain, to return by the Garonne or by the Loire. The Rhone, and that part of the Mediterranean shore which lies near Marseilles, ought certainly to be regarded this time as our principal object. What we are to add to it, and in what order we are to take the whole, must depend upon the time we have.

Suppose, instead of the Garonne or the Loire, we were to make the addition on the eastern side. We might either proceed from Geneva over the Great St. Bernard to Turin, then to Nice, and from that to Marseilles, a most beautiful line of journey; and so up the Rhone to Lyons. Or we might go at once from Paris to Lyons, down to Marseilles, then to Nice, Turin, and Geneva; and then, if we found any time left, we might still make a round by the Chartreuse to Lyons again. If we go first to Marseilles, and then by Nice and Turin to the Lake of Geneva, we should have the advantage of going down the Rhone, and of having the Alps in a long view before us, as we go north. If we should take this route in the contrary direction, we should perhaps have a chance of finding the Hollands settled in a house at Geneva, and of making a party with Allen and Charles Fox * to Mont Blanc. Lady Holland tells me that the tour by Turin, Nice, and the Rhone may certainly be executed in six weeks, from and back to Dieppe. I shall have seven, I hope, if Sir Matthew Ridley's bill is not stopped by Lord

* Now Colonel Fox: in Lord Melbourne's administration, he was Surveyor-General of the Ordnance.

Ellenborough: it is safe through our House, without a word against it. 1814. Æt. 36.

Ever most truly yours,
FRA. HORNER.

LETTER CCXII. TO J. A. MURRAY, ESQ.

My dear Murray, Cockpit, 16th July, 1814.

William showed me yesterday in the House of Lords the letter he had just received from you; I regretted that I had no leisure to write to you. I quite agree with you in wishing to pay a short visit to Paris at the commencement of our tour, for the sake of seeing the half-dozen pictures and statues which all the world talks of; it will be very agreeable to see them again upon our return, after we have talked of them and reflected upon our first impressions. This part of the gallery, and the theatre, are all that I feel any thing like impatience to see at Paris. I am much inclined to see a little of their courts of justice, where we find them open; and, indeed, for seeing as much of every thing as our time will admit of.

As to the particular route we are to adopt, I have no preference, provided we contrive to see the coast of the Mediterranean, for which I have a longing. I do not know any subject on which I would not take Seymour's advice, except the article of speed. He always forgets the brevity of human life, and the necessary imperfection of all human performances. At his rate of examining a country, we should have some chance of reaching Paris by the end of three or four long vacations, diligently employed. Did you suppose I wished to ascend Mont Blanc? In that case,

1814. Æt. 36. I do not wonder Seymour laughed aloud. I have no ambition for that sort of philosophical experiment upon my own person, and should as soon think of going up in a balloon, or of baking myself in an oven with Dr. Blagden. What I proposed was, a view of Mont Blanc from the valley of Chamouny, which is an expedition of two days from Geneva; and to add to that, that we should see the two passes, the Col de Balme and the Tête Noirë, that lead to Martigny, from which we should have another different view of Mont Blanc. As to the route, from Marseilles by Nice and Turin, over the Great St. Bernard to Geneva, we will talk of all that when we meet, and as we go along; I believe we shall find it quite practicable, if we prefer it. If we go another year to Italy, which I hope we shall certainly do next summer, the St. Bernard would not be our best course, but the Simplon (where Bonaparte's famous road is), which enters the most interesting part of Italy, by the Lago Maggiore and Milan; I am impatient that we should compare that famous lake with Killarney.

Affectionately yours,

FRA. HORNER.

LETTER CCXIII. TO MRS. DUGALD STEWART.

Dear Mrs. Stewart, Salisbury, 24th July, 1814.

I have sent your letter to Doctor Marcet, and hope no material harm is done by its following me so much farther than you meant it should. It gave me a pretence for writing to our excellent friend myself; and an opportunity of asking him to give me, if he can, a letter of introduction to some intelligent native at Avignon, for I have a great fancy that we should

lounge some few days round that spot, to see the Maison Quarrée on one side, and Laura's haunts on the other; and to see something of the people in their own ways, at an inland place as far south as we can go. William Murray has found out that there is excellent trout fishing in the Sorga; and I encourage him by all means to carry his rod across France on purpose. 1814. Æt. 36.

Will you ask Mr. Stewart to turn in his mind what can be done by persons in this country to prompt any French men of letters to write against the slave trade? In the state of opinions upon the subject in that country, there is as much to be done, and as much glory to be won by those who will do it, as before Granville Sharp and Clarkson had started it in England. Yet there is so little of colonial interest as yet organised against it, and there is so much in the arguments of the cause that would be captivating to Frenchmen, if addressed to them in the modes and fashion of their own literature, that there wants, I should think, but a skilful hand to sow the seed in proper places. Except at Geneva, one knows not where to look for men of letters; but the press of Geneva may once more be rendered a powerful engine for the instruction of France. I am told that Châteaubriand is an abolitionist, and his way of writing is in vogue. I have been inquiring about the Huguenot clergy; but they are said to be very low in learning, and to be too much afraid of losing their toleration under the Bourbons, to be likely to do any thing that might be displeasing to the government. The African Institution named a committee, of which I am one, to consider of the means of promoting the circulation of abolition tracts in the French language; nothing, I am satisfied, can be done to any purpose, but by giving

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an impulse to the French press itself. If Mr. Stewart will have the goodness to suggest what occurs to him, I will use his communication in any manner, and with any degree of reserve that he may desire. No one could be so useful to us, if any thing can be pointed out to be done. My kind regards to Miss Stewart: I rely upon the pleasure of seeing you all in December.

Ever yours most sincerely,

FRA. HORNER.

Have you heard that the King of Sardinia has signalised *his* restoration, by prohibiting vaccination as a dangerous novelty? This would be a match for the revival of the slave trade, and the re-establishment of the inquisition.

LETTER CCXIV. TO HIS SISTER, MISS ANNE HORNER.

My dear Nancy, Bodmin, 8th August, 1814.

Tell my mother, that I have received her kind answer to the letter I wrote from Salisbury.

The only excursions I have made this circuit for sights have been in Devonshire; and two of them very pleasant, one to see an old Gothic house, the other a new one. I have always heard of Ford Abbey since I first knew Devonshire, as an antiquity worth going to see; and who should have become the occupier of it but Mr. Jeremy Bentham, who has taken a lease of the place for seven years? He asked me to come and see him, and to bring Adam with me: we spent two days with him. It is upon the side of the little river Axe, about eight miles above Axminster. For three or four miles round, the roads are so bad that the place is almost inaccessible, and

lies secluded in very green meadows. The house was once a Cistertian monastery; but, in the reign of Charles the First, it came into the possession of a family of Prideauxs, who were opulent enough to employ Inigo Jones to give the exterior of it an entirely new form, in which he has mixed battlements and Roman arches with the oriel windows of the older style. The architecture, therefore, is not very curious for its age, though the front is very showy. Within the house there are some remains of its original state; a fine hall or refectory and two sets of cloisters, one of them almost dark, with the cells on one side, which the monks inhabited, resembling very much a ward in a modern mad house. 1814. Æt. 36.

There are some handsome rooms, furnished in the taste of King William's time; one of these very spacious and hung with tapestry, Mr. Bentham has converted into what he calls his "scribbling shop:" two or three tables are set out, covered with white napkins, on which are placed two or three music desks with manuscripts; his technical memory (I believe), and all the other apparatus of the exhaustive method. I was present at the mysteries, for he went on as if we had not been with him. A long walk, after our breakfast and before his, began the day. He came into the house about one o'clock, the tea things being by that time set by his writing table, and he proceeded very deliberately to sip his tea, while a young man, a sort of pupil and amanuensis, read the newspapers to him, paragraph by paragraph. This and the tea together seemed gradually to prepare his mind for working, in which he engaged by degrees, and became at last quite absorbed in what was before him, till about five o'clock, when he met us at dinner. He permitted me to sit in the same room, for the purpose of looking

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The other house we have been to see is a contrast of modern luxuries and elegance to the bare grandeur of Ford Abbey; it is called a cottage, built by the Duke of Bedford, but a cottage which has cost thirty thousand pounds in the building. It is in a fine highland situation, upon the banks of the Tamar, between Tavistock and Launceston, and is called Endsleigh; that fine river, which has not half the reputation it deserves, winding before it for two miles, among steep slopes covered with oak coppices. I do not much admire the building, though there are beautiful parts: it wants character and effect: it is in that mixed manner, half cottage, half manor house, which our modern tradesmen in the picturesque have put together, and which has no style. Jeffrey Wyatt and Repton have had full scope at Endsleigh, and are there now: Mr. Adam came down to meet them, and invited William and me to take it in our way from Exeter. We spent all yesterday there.

Yours affectionately,

FRA. HORNER.

On the 20th of August Mr. Horner, Mr. J. A. Murray, and his brother, set out on their continental tour. He wrote several letters to different members of his

* The late James Mill, Esq., author of the History of British India.—ED.

family during his absence, which were very interesting at the time; but as they are chiefly descriptive of parts of France and of the north of Italy, through which they travelled very rapidly, and which have now become familiar to so many, I have given only a few of them, and these somewhat abridged. They will be read, I think, with some interest, as showing the impressions made upon the writer, who was then visiting France and Italy for the first time; and from which Englishmen had been excluded for so many years, with only one short interval.

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LETTER CCXV. TO HIS MOTHER.

My dear Mother, Dieppe, Sunday Morning, 21st Aug. 1814.

I wrote to my father yesterday, in the short time we stopped at Brighton. We left that place about eleven o'clock in the forenoon, and were landed upon the quay here at two o'clock this morning. The day was extremely fine, and the wind favourable, so that the voyage was quite delightful to both my fellow-travellers, who are not affected with sea-sickness. Nothing can be more different than Dieppe and Brighton; the difference is striking and amusing: we have been in the church for a few minutes; it was very full, chiefly of women of the middling and lower classes, dressed in a manner very new to our eyes, and not unpicturesque.

We supped in a room, in an alcove of which were beds for two of us, with a tiled floor, up two pair of stairs, the furniture half very fine and old, the other half coarse and ill-contrived. A marble table with gilt feet, some chairs as if from a state apartment, a deal door with iron bands, dessert dishes for wash-

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Your very affectionate

FRA. HORNER.

LETTER CCXVI. TO HIS MOTHER.

My dear Mother, Rouen, Sunday night, 21st Aug. 1814.

We arrived here about eight o'clock, having been delayed at Dieppe till past two: this seems a large town, but we shall see nothing of it, as we mean to start early. The country we came through from Dieppe is well cultivated all the way, and has quite the appearance of the south of England,—for the first thirty miles and more, an open country without any enclosures, but cultivated with every sort of corn and green crops, with orchards intermixed. The road, a very noble one, from seventy to ninety feet wide all the way, and made of flint gravel: a few miles from Rouen we came upon a pavement or causeway. The general appearance of this part of the country kept me in mind, except for the orchards and fruit-trees, of some parts of Hampshire and other districts of England, where downs have been lately taken into culture, or common field system prevails. The approach to Rouen is through an avenue of high trees, with a broad footpath, and some lamps suspended on lines drawn from tree to tree across the road. It being Sunday evening, the whole world was abroad; and in all the little villages it was very agreeable to

see such a multitude of well-dressed peasants and labourers, apparently most comfortable and happy. My impressions all yesterday were pleasant and satisfactory, both from the views of the country we passed through, and from the looks and dress of the people we saw. We take the lower road to Paris, which carries us along the course of the Seine by Mantes and Vernon. 1814. Æt. 37.

Ever, my dearest Mother, yours,

FRA. HORNER.

LETTER CCXVII. TO HIS SISTER, MISS HORNER.

My dear Fanny, Paris, 30th August, 1814.

We have stayed several days longer in Paris than we originally intended; but we are now waiting for horses to set out for Dijon and Geneva, meaning to sleep to-night at Fontainebleau. I wrote to my mother from Dieppe and from Rouen. Between Rouen and Paris we slept at a little village called Tiel, which gave us the entry into Paris at mid-day, and an opportunity, by the way, of seeing St. Germain, the waterworks at Marly, and Josephine's villa, Malmaison.

Our chief objects in coming to Paris were the Louvre and the theatre. In the latter we have been disappointed, the best actors being at this season in the provinces, and the theatres having been thrown open *gratis* to the common people most of the days we have been here; an indulgence which began in the republican days I believe. I have been once at the Théâtre Français; a *débutante* was the attraction of the night, who played Amenaide in Tancrede, with a good deal of spirit and feeling; all the rest seemed to me

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Paris surpasses London infinitely in the number and magnificence of the public buildings. The quarter of the town where we are lodged, Rue de la Paix, formerly Rue Napoléon, is full of great and elegant edifices: nothing that I had seen before could be mentioned that would convey to you an idea of the effect of them. Napoléon's hand is visible every where; not so much in the ornaments, which, with rather a childish vanity, he has crowded upon works that had been erected by his predecessors, as in the numerous buildings of every description which will

remain as long as Paris itself,—several new bridges, that of Jena, a very handsome one, very noble quays upon the river, market-places, triumphal arches, columns, &c. The embellishment of Paris seems to have been always in his thoughts: the vast dome of the Invalids is covered with gilding on the outside, which he ordered to be done after his return from Moscow; I disliked the effect of this at first, but am now reconciled to it. 1814. Æt. 37.

I meant to make this a long letter, but find I must stop. As I have not written for a week, I think it better to send it half finished, than to keep it for another post.

Most affectionately yours,
FRA. HORNER.

LETTER CCXVIII. TO HIS SISTER, MISS HORNER.

My dear Fanny, Geneva, 8th Sept. 1814.

We left Paris on the afternoon of the 31st ultimo, having hired a large open barouche with a seat for the servant: this is drawn by three horses; and, in such fine weather as we had the whole of the journey, is a very commodious and pleasant carriage. We stopped at Fontainebleau, the interior of which is very magnificent: the old gilt ceilings, some of them of Henry the Fourth's time, were saved from the plunder to which the furniture and decorations, within reach, were delivered up during the Revolution, and are certainly very fine; but what is most worth mentioning is, the gallery of Francis I., built and embellished by that monarch, in which Napoleon has placed busts of the worthies and great captains of all nations, and has introduced among them some of his

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The second night of our journey from Fontainebleau, we meant to sleep at a small country inn, called Lucy le Bois, and arrived there about midnight (for the delightful moonlight induced us to travel so late), but we found the whole in possession of Lord Bute, who was crossing France by the same road, with a suite of nineteen persons. We went on to the next stage, Avallon, and found the chief inn there tenanted, in the same manner, by Lord Holland's travelling party, which is not much less. Besides this, the town was crowded with natives from all the country, on account of a "distribution des prix," that had taken place that very day, and was followed by a ball. We were at last admitted, after much grumbling, into a house where we were promised something to eat, but nothing to sleep on; which we thought no bad compromise. The landlord in the

course of a few minutes cooked us a very good supper of several dishes, swearing loud all the while; but by the time we had found out from his wife that their son had got Rollin's *Belles Lettres* as a premium, and, in addition to the flattery this gave us a handle for, had ordered his best Champagne, he got into perfect good humour, owned he was "un peu vif," and bustled about till he provided us with beds. All this cookery and bustle was performed *en déshabillé*, for he had nothing on above the girdle but his shirt, with the neck open. I found him, however, by seven o'clock with his hair dressed, and all his stoves and saucepans in full activity. Don't suppose we have often made so short a night of it; but as I was put into a room where there were two Frenchmen already, of whom I had a glimpse, as they lay in their beds without nightcaps, I had no fancy for indulging myself longer than was necessary. I had the pleasure of seeing the Hollands for a little while; and then we had a walk round the ramparts of Avallon. Between Avallon and Dijon, we crossed the high part of Burgundy, where it blew very cold indeed. The descent, which begins at a village called Sombernon, is grand, in the outline not unlike some of the steeps in the north of Derbyshire, but ornamented with the bright green of the vineyards, and by the beautiful sky, which we now became sensible had a deeper blue than we were used to. At Dijon we perceived that we had got among an entirely different race from any we had yet seen: the number of beautiful women walking about quite surprised us: it was Sunday, and they were *endimanchées;* but their regular features, dark complexion and hair, and fine eyes, had an uniform and marked character. At Auxonne, we saw more works of the hostilities of last spring than

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1814. Æt. 37. at any other place in our route; but there, as every where else that we saw, every thing was repaired or repairing. It was on the way to Auxonne that we first observed plantations of maize, or *turquie*, as they call it in the country: it is very showy; and we had little else but maize, hemp, and vines all the way to the foot of Mount Jura. What I have next to tell you of is, our route from Poligny across the ridge of Mount Jura to the side of the Lake of Geneva. But this I must reserve for another letter.

Ever most affectionately yours,

FRA. HORNER.

LETTER CCXIX. TO MRS. L. HORNER.

My dear Anne, Brieg, 15th Sept. 1814.

We crossed the Jura, ascending the first ridge of that great mountain at Poligny in Franche Comté, and coming down to Nyon upon the side of the lake of Geneva. The pleasing impressions that we received from the scenery of that mountain district are almost effaced by the greater scenes in which we have been living for the last four days. It was, however, a very interesting journey; and except in the Alps, I have not seen any thing more romantic than the cliffs of Poligny;—the deep dells between Champagnole and Maison Neuve, where we first met with mountain pines, and after passing the last of these places, a quiet green vale on the banks of the river Ain.

After a morning walk at Nyon, in the course of which we had a full view of Mont Blanc, at first in all its extent, and afterwards of its summit only, in

bright sunshine above the clouds, and saw likewise a small house, where Joseph Bonaparte has taken refuge with his family, we went along the side of the lake to Geneva; passing through Coppet, where Madame de Stael lives. There was a *bise* blowing, which made the lake very blue. At Geneva, we passed three entire days in lodgings upon the ramparts, which have a very fine view. The first day was unfortunately a fast day or festival, the whole of which was spent in presbyterian sermons, and the gates of the town were shut during service. I had the pleasure of meeting with Mr. Mallet, whose mother lives at La Prairie, a little way out of the town. After a charming evening walk by the side of the Rhone down to its confluence with the Arve, I went to La Prairie, and, in a Genevese tea-party, met some old acquaintances, particularly the Constants. 1814. ÆT. 37.

I saw a good deal of Mr. Dumont, who has been in a peck of troubles about the blunders his fellow-citizens have committed, in making their new constitution. We were introduced to Professor Pictet, who was obliging enough to invite us to the sitting of a Society of Natural History, where the philosophers ate amply of peach tart in huge slices; and to Professor Prevost, whose amiable simplicity of manners and apparent benevolence of character prepossessed me greatly: I was sorry not to see more of him, and not to see Madame Prevost at all. Unluckily Dr. Marcet's letter, which he was so very kind as to send me for the purpose of introducing me, did not come to my hands till the night before I was to leave Geneva: I had been introduced to Mr. Prevost by a letter from Mr. Stewart. My last morning was spent in making a visit at Coppet; where I found Sir James Mackintosh, and was glad

1814. Æt. 37. also to see M. Sismondi, the historian of the Italian republics.

Last Sunday morning I set out for Chamouny with William Murray in a *char-à-banc*, his brother preferring to keep to the warm shores of the lake; it being arranged that we should meet at Martigny. We made a day's journey in the *char-à-banc*, as far as St. Martin, opposite to Sallenche. At Cluses, whose site (at the mouth of a deep winding ravine, in which the Arve flows) must have suggested its name to the Romans, we seemed to enter into the heart of the Alps, by a road between steep walls of rock immensely high and richly clothed with pines. This continued with considerable variety in the details, as far as St. Martin, where we slept, and were provided with another *char-à-banc*, and a guide, for Chamouny. In going there what pleased me, perhaps most of all, was the hill-side, upon which the church of Passy and a few cottages discover themselves among innumerable orchards and vineyards, which bury out of sight a considerable village. The cottages that appeared through the orchards were like so many Grecian temples of the early simple form; for the fashion of the houses is almost the original frame of Grecian architecture. When you perceive nothing but the gable end, the angle and uprights of which are in that part of the Alps very exact and neat, as it breaks out among walnut-trees, with perhaps a silver or spruce fir, here and there among them, it has a very classical appearance. Next to Passy, I must mention *Les Montés*, the narrow pass into the valley of Chamouny; which is magnificent and sublime beyond any description that I can give: the depth of the ravine, the dark colour of the rock opposite to that in which the road is cut, and the

blazing snows of Mont Blanc, are the principal features. In this defile, we met Mr. Rogers the poet, and his sister, returning from Chamouny. 1814. Æt. 37.

In the valley of Chamouny I admired much the grandeur of the cliffs, and the beautiful cultivation of the bottom, watered by the Arve, and covered with the neatest cottages of the same form which I have described. Except Mont Blanc itself, I rather think all the heights would be more agreeable to look at if they were without snow, and the glaciers are very ugly,—though a curious phenomenon of nature, and surprisingly contrasted with the trees that mount above them, and with the corn-fields, which they approach within a few yards. We saw reapers at work as near as that to the Glacier des Bossons, which is the one that comes lowest into the valley. It was the time of oat harvest, which is the principal grain that they raise; and a very novel and altogether very pleasing scene it was, to see the close of the evening in this lovely valley, where so many people were busy in cutting and binding the oats, amidst the tinkling of a hundred cow-bells, while the sun was only seen by its strong reflection from the snow above, the summits of which were for a few minutes tinged with a faint red.

On Tuesday morning we set out on mules to cross the Col de Balme, the high mountain which separates Savoy from Le Vallais; our guide was mounted in the same manner, and carried our bag of provisions for the day. The ascent is not very steep, and took us no more than four hours: we followed the Arve up to its source. In our way we were fortunate enough to witness an avalanche, far enough off to be seen without danger: as we were passing under the Glacier du Tour, a noise like the burst of thunder made us look

1814. Æt. 37. up; and half way up this glacier there was a cloud of snow, like the smoke rolling from a battery of cannon: a piece of ice had burst and given way, and left one side of a great rock bare.

On the Col de Balme we had a full view of the summit of Mont Blanc; its dome, likewise covered with snow; all its peaks, or *aiguilles*, as they are called from their form, which does not suffer the snow to lie on them but partially, and its glaciers shooting down into the valley. Our descent to the valley of Trient was very steep, through a forest of old larch trees and pines; the Bois de Magnan, I think: so steep that it could not even be ascended except on foot; we had of course to drive our mules before us. As we were coming down, we met a *bergère*, with half-a-dozen cows; she inquired of our guide what was the state of the pasture on the mountain, and how low the snow was already, for she was going to the *chalet*, if she had a chance of finding pasture: she gave the cows every now and then a little salt, which made them mount the hill with great avidity. We crossed the sequestered valley of Trient, and sloped along a height above it, which brought us to the steep pass called La Forclá, which was still shaded with pines, but with a fine verdure between the opposite banks. Half way down La Forclá, we came to a superb view of the Vallais, from the bourg of Martigny, which seemed under our feet (though we were more than an hour from it) to the white walls of Sion: it was the prospect of a dead level, almost covered with wood, which we afterwards found to be fruit trees, with the Rhone winding from one end to the other, and the Dranse from St. Bernard passing to meet it between Martigny and an old castle upon a rocky point. From the spot where we commanded this prospect, the pass

changes its name for that of Les Rapes: we lost sight of the Alpine pines, and got once more among walnut trees and vines, and as we descended lower, we rode through avenues of the finest chestnut trees and patches of Indian corn. The change, this contrast, the beauty and profusion of all the luxuriant vegetation, the deep blue of the sky, and detail of laborious industry upon the uplands of the craggy Alps,—the numberless little towns that we could count along the roots of mountains, and the snowy ridge that was perpetually in front, and seemed to bind all as with a crown,—made this one of the most delightful hours I ever enjoyed from scenery. I should be well pleased to be able to give you a good account of the country we travelled over, and saw in our way from Martigny to the place at which I shall date this letter. It is not more interesting by picturesque character, than by its air of great antiquity, and by the primitive customs and manners of the inhabitants. I am convinced that it would be worth while to any person, who can speak German familiarly, to give a few weeks to examine all this valley minutely, by going up into the villages upon the mountains, and seeing the usages and genius of those who have never seen the face of strangers. In the midst of the industry, simplicity, and plenty which reigns in the Lower Valais, it is melancholy to see so large a proportion of the inhabitants, particularly the children, pallid and unhealthy; in travelling through the country, the children usually delight one with their looks: here, I have not seen one beauty; most of them are loathsome. The air of the plain is bad, I have no doubt, great part of the year; and I dare say they have not been taught all they have to learn on the subject of diet.

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From Sion we came by Sierre and Turtman to

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Brieg. From this point we start early to-morrow, upon the new road by the Simplon to Domo d'Ossola Remember me to my dear Leonard and the little ones, and believe me ever

Very affectionately yours,
FRA. HORNER.

LETTER CCXX. FROM LORD HOLLAND.

Dear Horner, Geneva, 17th Sept. 1814.

I enclose a letter for Lafayette. Pray see him, even if you must go to La Grange for it. I know you will like one another, and he is truly a veteran in the good old cause, and one who has had, and is likely to have, no recompence for his sacrifices but that (a great one!) of the respect of such men as yourself. Good bye.

V. HOLLAND.

LETTER CCXXI. FROM LORD HOLLAND TO THE MARQUIS DE LA FAYETTE.*

My dear General, Geneva, 17th Sept. 1814.

It is not, I assure you, every one of my countrymen whom I think worthy of being introduced to so consistent and warm a friend of rational liberty as yourself, but I cannot deny my intimate friend, Mr. Horner, that pleasure, because I know he has both sense and principles to value such an advantage as it deserves. He is, indeed, one of the most promising men in our Parliament, as well as in his profession

* Mr. Horner had no opportunity of delivering this letter; it was found among his papers with the seal unbroken; I insert it with Lady Holland's consent. — ED.

of the law, the duties of which oblige him to return sooner than he otherwise would wish, to England. In principle he has always proved himself firmly attached to my uncle's politics, though his career began as my uncle's was unfortunately closing, and he consequently knew, and but barely knew, him personally. As he feels, however, so much satisfaction in having known him, I am convinced that I cannot procure him a greater pleasure in France than by introducing him to the acquaintance of his friend, who under yet more difficult and trying circumstances than we have experienced in England, has practised and upheld the principles which guided him through life, so nobly and so consistently. My anxiety to please him, perhaps my vanity, has made me venture to assure him, that, if you are not at Paris, you will allow him the satisfaction of seeing you at La Grange. 1814. Æt. 37.

Lady Holland begs to be kindly remembered, and I cannot close my letter without repeating once more to you the pleasure it gave me to find you so well, and to assure you of the respect and gratitude which your public conduct and personal kindness have inspired in your

Sincere and obliged Friend,
VASSALL HOLLAND.

LETTER CCXXII. TO HIS SISTER, MISS ANNE HORNER.

My dear Nancy, Milan, 19th Sept. 1814.

In a letter to Fanny, which I think I wrote from Geneva, I said I should give you some account of our journey to that town by the Jura; but all those scenes, which pleased us very much at the time, have been so surpassed by what we have seen since,

1814. Æt. 37. that they are not very fresh in my memory at the present moment, and I will therefore leave that part of our travels to be described some other time, when repose from this perpetual succession of new objects shall have allowed me to look back at leisure on all that we have gone through. You will be surprised to see this dated from Milan; three days ago it was not our intention to come so far, as you would learn from a short letter I wrote to my mother from Brieg. But the temptations from one thing to another are so strong, that you will have reason to think our resistance to them very virtuous, when you find, that being so far in Italy, we can turn our back upon all those famous places which we have been reading of all our lives. From Geneva we all set out on Sunday the 11th for the usual tour to Chamouny, and we all met again on the following Tuesday in the evening at Martigny, and thence by Sion, the capital of the Valais, to Brieg; last Friday was spent in crossing the Alps by Napoleon's road, the Simplon, from Brieg to Domo d'Ossola; on Saturday, after a short drive by Vogogna to Baveno, upon the Lago Maggiore, we went upon the water, visited the Boromean islands, and were rowed down in a lovely evening to Arona; yesterday we crossed the Ticino, the ancient boundary of Piedmont and Lombardy, at a place called Sesto, and arrived in the middle of the day, at this capital of the late kingdom of Italy.

I have written to Anne a long letter about Chamouny and the Valais; after I had finished it, I saw a little more of Brieg. It is a rude country town, at the head of Le Valais, where the Rhone is lost in a narrow ravine, and is joined by a torrent called La Saltine, which comes down from the side of Simplon. I was told there by a person who must know the

country very well, that the people of the mountains are much more lively as well as more robust than those of the plain. The same person confirmed to me, what I had heard from others less likely to be well informed on such a point, that cretinism is not so frequent now as it used to be; and, what is very curious, that at all times it was the children of foreigners newly settled in the country that were most liable to it. 1814. Æt. 37.

We left Brieg early in the morning, and in fourteen hours reached Domo d'Ossola, by a road over one of the great heights of the Alps; but so well conducted, that in the ascent there is scarcely a single pull that would bring one of our postchaises to a halt; and the descent is a good trot all the way: it is made so smooth and is so handsomely finished, as to look more like the approach to a gentleman's house than a tract over a mountain district to connect distant nations. An appendage of this noble design, which is but half finished, is a triumphal arch of white marble, erected where the road enters Milan: we passed this as we came into the town, and have been again to see it. On our way from the Simplon there was lying by the road-side a pillar of white marble, in one piece, more than 32 feet long, wrought, but not polished, which was one of eight of the same size that had been cut in an adjacent quarry, and were to be carried down to Milan for this arch. The work is at present suspended. The successors of him who designed it could not do better than to inscribe upon it, that it was commenced by Napoleon, and finished by them, whoever they may be; but there would be a sort of magnanimity in that mode of proclaiming their own glory, of which, perhaps, they will not be found capable. Already, since the destruction of the French

1814. Æt. 37. power, this past summer has broke down some of the side walls and railings which as yet only spoil in a few places the neatness and finish of the road; but one little bridge, carried away by an avalanche, and left unrepaired, would make it wholly unpassable. The line traced upon the mountains will remain for ever one of the most lasting (it is to be hoped) of the many impressions which this marvellous adventurer has made upon the surface of Europe. It is more like a work of the old Romans than any thing that has been executed since their days. The magnitude of this effort of human art almost prevented us from enjoying the grandeur of the natural scenery through which it passes. In mounting from Brieg, the road winds, in view of the country which I have described round that town, and gains in the ascent more and more extensive prospects of the Valais, the Rhone flowing through it, and the lofty crags and glaciers which bound it upon the north. From this you will readily imagine, better indeed than with my unpicturesque eyes I could even see, what scenes were continually presented to us, and continually shifting, as we mounted the sides of the great ridge; and in the winding course of our road were conducted sometimes to a projecting precipice, which laid the whole open, and sometimes had narrow landscapes as we looked outwards from the close and deep defiles. This way of describing it seems like sameness; but there was much variety. Our progress through the different regions of vegetation, in the course of the day, was to me one of the newest impressions that I felt: we left maize, and vines, and walnut trees; passed through forests of pine and larch, which were less vigorous as we approached the summits. Near the Hospice nothing is to be seen but stunted rhododendrons; in descending, the order is just reversed,

but is more delightful; it was like going from spring into summer all in one day, and to a brighter summer and richer vegetation than we had ever seen before. The gradual approach to the luxuriance of Italy is for several miles through a deep dark chasm, not much wider than the torrent which has cut it; and by the side of which the road descends, the cliffs on both sides being of great height and very savage. After a few miles of this narrow defile, we came to a very handsome one of two lofty arches, which terminate the Simplon road, at the extremity of the glen, which leads to the town of Domo d'Ossola, situated near the end of a flat alluvial plain, about a league wide and six long, on all sides of which are lofty alps, some of them topped with snow. We were now in Italy: according to the old and present political geography, in Piedmont, which goes to the Ticino: according to Napoleon's geography, in the kingdom of Italy; but by the language, and the houses painted in fresco, and the thick brilliant vegetation, and the market-place covered with large baskets of macaroni, in Italy. Our drive next morning to the lake was through a country of quite a new aspect, owing chiefly to the elegant forms of all the commonest houses, an elegance not consisting in trimness, like our cottages in old England, for these are generally in a rubbish of dirt and dilapidation when you come very near them, but derived from the outline and frame of the architecture: so much of the house is appropriated and contrived for the enjoyment of shade in the open air, that half a dozen poor ruinous habitations present a mass of galleries, corridors, and arcades, above one another, the light coming through in many places, and the tall creeping vines connecting these pieces together, and with their own trellis-

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work; the chimney is of so handsome a shape, that it seems a studied ornament of the building, and the deep projection of the roof gives a breadth of shadow that seems to finish the whole. It was at Vogogna that I made so minute a study of these houses, for it was there that the first effect of them struck and pleased me. I dare say you know it all before from pictures, but the painters of Italy, in this respect, had only to copy what they found in every village.

I must refer you, for an accurate account of the Lago Maggiore and its islands to the books of travels. What distinguished it, at the first view, from the lakes I have seen at home, and in Ireland, is the soft serene clearness and calmness, "la tranquillissima marina," and the number of towns along the margin, with their picturesque roofs and towers. The glory of the lake, however, is the art that has been lavished on its islands. We were rowed away from this fairy land, towards Arona, which we reached in about three hours; in one of those fine evenings, which are remembered all the rest of our life.

At Milan (for I am now writing at a great distance from thence) we spent two days. The opera-house is the handsomest theatre I have seen, in spite of being kept in the dark; I was not very much pleased with any part of the representation, either the singing or dancing: the chief piece, a half serious opera, taken, I believe, from Mrs. Opie's tale of the Father and Daughter, the serious part consisting of the history of a madman's cure, and the comic, of all the buffoonery which the lowest vulgar practise with persons in that unhappy state. Any thing more repulsive to good taste and refinement, in dramatic exhibitions, cannot be fancied. There was one fine moment for theatrical effect; the maniac in his re-

covery hums a tune, which he cannot go through, and his daughter standing by, but out of sight, finishes it for him; it was her tune in her youth; and her misconduct had brought on his derangement: but the music was not equal to this situation. It struck me, that throughout the piece there was, both in the acting and in the circumstances of the story, a mixture of the details and habits of ordinary life, which would offend us in our opera or modern tragedy; and which, if one is safe in making such a remark upon a single instance, is perhaps national, the observation struck me the more, because I observed the same sort of thing in the gestures and elocution of a preacher whom we heard in the cathedral. There is no vulgarity in what I mean, but a common manner taken from common life, which must aid powerfully, both on the theatre and in declamation, any eloquence that has strength in itself. I would compare what I am talking of, and which I expect I have not made very intelligible, to those familiarities and domestic details with which Shakspeare touches his highest passages, and which offend French critics much, though they heighten our delight. 1814. Æt. 37.

You may be sure we saw the remains of the Cenacolo of Leonardo da Vinci, in the refectory of the old monastery of Notre Dame des Graces: enough of it yet remains to exceed all the ideas which the best prints had given me of the majesty and plainness and pathos of the design; the principal figure is little injured, and is very fine and affecting. The greatest wonder of Milan is the cathedral or Domo; another illustration of Buonaparte's ambition for the fame of public works. There is, I dare say, a great mixture of style in a building, which it has taken so many ages to erect; but minute criticism is not to be

1814. thought of in the sight of such vastness and richness.
Æt. 37. Our first visit to the cathedral was on Sunday, about dusk; the whole perfumed with the incense; a monk was preaching to a very large and attentive congregation; his pulpit was a semicircular gallery round one of the great pillars, a form very favourable to the freedom of his action, which was easy and graceful, with that sort of familiarity which I alluded to before.

We left Milan on the 20th September, and came to Turin, where we remained several days; we then crossed the Alps again over Mont Cenis, by another great road which we owe to Napoleon, which is only second to the Simplon as a monument of his power, and of the use he could make of it. Our course was by Rivoli, which may be called the head, I believe, of the plain of Lombardy. We found the heat great, and in the middle of the day oppressive, while we were on this low level, which is covered with the richest meadows, and rice plantations and mulberry trees. The view of the Alps, "the stony girdle of the world," which was before us as we traversed the plain, was grand in the highest degree; and might easily suggest the prejudice of the Italians in all former times, that this was their boundary from another world inhabited only by barbarians. The finest single object was Monte Rosa, as seen all the way from the Ticino to the Seria. We came through the Alpine valleys of Savoy, beautiful all the way, if we had not been satiated with such scenery, to Chambery, and then by Les Echelles and Pont Beauvoisin to Lyons. We passed some days there, and are now upon our way to Paris, where I shall not be able to stop for more than a couple of days. I am tired of moving about; but it would be very agreeable and very useful to make a residence of some weeks at Paris; the ma-

gistrates of Somerset, however, are upon the alert, and I must hasten to my tasks there. I must reserve for other letters, or for future gossip, the greatest part of what I have seen in these travels; in which, because I wished to send you long letters as you desired, I have seldom found time to write at all. I expect to hear of you all at Paris: in the meantime give my kindest love to all at home, and let Mrs. Murray know we are all perfectly in health, and that I send her my affectionate regards. We are stopped by the breaking of a wheel at this place, from which I shall date my letter, which I shall put into the Post at Moulins. 1814. Æt. 37.

Ever, my dear Nancy, affectionately yours,

FRA. HORNER.

Varennes sur L'Allier, 5 Oct. 1814.

LETTER CCXXIII. TO DUGALD STEWART, ESQ.

My dear Sir, Bowood, 28th Oct. 1814.

I ought long ago to have thanked you for including me in the letters, by which you introduced Murray to some of your friends at Paris; particularly as I am indebted to all of them for the most obliging and marked attention. M. Le Chevalier seemed to give us his whole time with a good humour and cordiality that made all of us feel most grateful to him. He is now librarian to the Lycée d'Henri Quatre, the modern transformation of the convent of St. Geneviève. M. Gallois did us the favour of taking us to the Chamber of Deputies, on a day of public discussion; it would be well for France, if sentiments as liberal and enlightened as his were to prevail generally in that assembly, which I fear has not sufficient

1814. Æt. 37. strength of materials yet, either in point of talents or of connexion with the people, to form the foundations of a popular constitution. I regret exceedingly that my short stay in Paris prevented me from cultivating the acquaintance of M. De Gérando; the first time you write to him, I wish you would assure him how much I feel myself obliged by his kind civilities and attention; he took the trouble of writing many letters, to render our travels in the south of France more agreeable; by one of which I had the satisfaction of seeing that excellent and agreeable man Camille Jourdan, at Lyons, one of the very few survivors who have gone through the revolution, and the still more difficult trials of the late despotism, with an unsullied name, and an unimpaired attachment to the principles of moderate liberty.

You will be glad to hear that I saw both M. Suard and the Abbé Morellet in good health; I met them together at a party of Mad. Suard's, where Sir J. Mackintosh took me. It was very interesting to see in person two men, who connect our day with names so memorable, and times so remote; for I think the Abbé Morellet was at the Sorbonne with Turgot in the year 1748. I had remarked his sturdy figure in the Chamber of Deputies.

From what I could collect, though any judgment I could form in so short a stay is good for little, nothing can be more problematical than the future prospects of the new government of France. That the Bourbon family will keep their place, unless they are exposed to the hazards of a new war, or commit some enormous indiscretion at home, seemed to be the growing opinion of the most intelligent persons. But there appeared to be very little conjecture, and very little hope, with respect to the probable fate of

what they call their constitution. In the king's cabinet, it was said, there were almost as many systems as there were ministers; some of them, and these the most trusted, urging the king to bring back by degrees all the old institutions of every description, at the head of whom is the chancellor; others, such as Talleyrand, making a struggle, out of some regard to appearances of personal consistency, for as much of the improvements gained by the revolution as can be retained. The Abbé Montesquieu is described as a mere creature of the court, but liking to make his speeches at the bar of the assembly. The friends of the court say, that Talleyrand attempted at first to surround the king with his own dependents, and to make his majesty a cypher in the administration; on the other hand, Talleyrand's account to a friend of mine was, that the king had the vanity to suppose himself capable of doing a great deal of business, in consequence of which it was in fact done by unfit persons. These stories are not inconsistent. 1814. Æt. 37.

In the lower assembly, there is nothing like party separation or connexion. A remarkable symptom of this nature, however, showed itself in the senate, during the discussion of the law by which a censure of the press has been established; all the imperial marshals acting together, against the measure of government. I was informed, also, that the young Duc de Broglie is an eager constitutionalist, and that he has always shown a predilection for popular principles, as much as that disposition could be made known during the reign of Napoleon.

The discussion of that law excited a very lively interest in Paris, among all men of education and reflection; I was there at that time, and it appeared to me that its vast importance was duly appreciated and

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felt. I am afraid, however, that there is not in the country, or in the provincial cities, any degree of steady political feeling, connecting the middling classes of the people with their inferiors in a sentiment of common interest. The lower people in general, though more strongly in some districts than others, regret Bonaparte, and the loss of military glory, and that rapid military promotion which provided for their sons, and held out to all of them prospects of ambition. The middling classes, who felt the conscription as a tyranny of the cruellest description, rejoice at the removal of their late ruler, but have no feeling of attachment either to royalty in itself, or to the Bourbons, who were literally forgotten. The priests are said to be very zealous in labouring to recall or create feelings of that sort, but hitherto without success. The populace of Paris are understood to be more disinclined to the present royal family, than those of any other part of France; they gave rather an unexpected proof of other attachments, upon the Duke of Orleans taking possession of the Palais Royal, for he was hailed with acclamations, and several voices in the crowd spoke to him of his father, and said he was always the friend of the people. Among the people of rank at Paris, the sentiment that is uppermost at present is, that they are relieved from a tyranny which, though not sanguinary, pursued them through every interest and almost every incident of domestic life, with incessant interference and vexation.

The only sure and permanent prognostic of civil liberty, that I could hear of in France, is the prodigious subdivision of land, and the unprecedented multitude of persons directly possessed of that property. An estimate, which seemed to come from authority, made it as high as three millions of persons.

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So great a proportion of this must be held upon revolutionary titles, or upon titles founded in the new law of succession, that one should hope that so much at least of the benefits earned by the revolution, as consists in this equitable law, and in the salutary transfer of vast domains to the people, must be secured for ever, and fortified against the designs of the court by an insuperable bulwark of such interests and such numbers. The court have had the folly, however, to issue secret commissions to the bishops, for a return of the lands held by the church in 1791, and of the present proprietors by whom any of them are possessed: such a measure never can lead to any consequences, but against the court itself. The fact is not much known in France, but there is no doubt of it.

This immense multiplication of landed proprietors has led to a great extension of cultivation, in point of surface, and probably in many parts has made the cultivation much inferior in skill and efficacy to what it was before.

There are complaints, I observe, in all the statistical reports, of the unnecessary increase of vineyards, and of the diminution of the woods. I was assured, however, by a very intelligent and well-informed man, M. De Candolle, Professor of Botany at Montpellier, whom I was introduced to at Geneva, that of late years there has been a very great progress in the increase and management of artificial meadows. He told me, at the same time, that such was the subdivision of lands in the south of France, that the footman you hire is commonly the owner of an estate. I am ashamed to have allowed my travelling garrulity to run on to such a length. But I was anxious to tell you something of what I had picked up on some of the points that are most interesting to you. I shall

1814. Æt. 37. have much more to say, if I have the pleasure of meeting you before Christmas, which I do not yet despair of, though this unexpected meeting of parliament comes very much in my way.

With best and kindest regards to Mrs. and Miss Stewart, I am ever, my dear Sir,

Most affectionately yours,

FRA. HORNER.

LETTER CCXXIV. TO J. A. MURRAY, ESQ.

My dear Murray, Lincoln's Inn, 24th Nov. 1814.

I am very much obliged to you for sending me Lord Meadowbank's thoughts on the introduction of civil juries into Scotland. I shall read with avidity every thing that relates to that most interesting subject.

Kennedy must have misunderstood Mr. Adam, I think, when he collected from him that I leant in favour of a vote upon the jury, rather than insist upon an unanimous verdict. I am convinced that all the advantages of a jury cannot be secured, particularly the conclusive and satisfactory decision of matters of fact, without having what we call unanimity in the verdict; which is not a real concurrence of all (of course, it cannot be in the nature of things,) but a contrivance, which holds out to the public the show of such concurrence, and is attended with this advantage, that it makes every juryman sure of being heard who has reasons to allege for his peculiar opinion. But if the prejudice be as strong against such a structure of the jury, as people who know Scotland represent it to be, one must yield to the force of that obstacle, and the framers of the present Bill will do wisely not to press

any particular innovation against the prevailing sentiment of the country; though they will show their ability for such legislation still more conspicuously, if, while they yield to public opinion in the first instance, they make their new institution with some contrivances for gradually improving that opinion itself, and for imperceptibly accommodating the machinery of the institution to such future improvement of the public sentiments. The oath of secrecy proposed is but a clumsy expedient, and will hardly be effectual. An idea occurred to me, which I mentioned to Mr. Adam, to fix by the statute a definite number, (*nine* for instance, of a jury of twelve, or *twelve* of fifteen,) whose agreement at least shall be required for a verdict; to receive the verdict, when that or a larger number are agreed, as the verdict of that definite number only; and when so many cannot agree, to instruct the jury to return their verdict, without saying any thing of their division, as a verdict unfavourable to the party who undertook the affirmative of the issue. In this way, a verdict in such matters would come to be habitually considered as the decision of that definite number of sworn men upon the issue joined; and when the popular notion of the thing was thus fixed, it might not be impracticable to cut off the supernumerary jurors. This will appear a crude proposal; I wish you would give it some consideration. I have sometimes conjectured, historically, that it was by some progress of this sort we got our unanimity of juries in England; a greater number being originally sworn, though always a number of which twelve was the majority, as in our grand juries to this day, (which may consist of twelve, or of any number greater than that, but not exceeding twenty-three,) till verdicts

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1814. Æt. 37. came to be known as the finding of twelve men upon their oaths.

Affectionately yours,
FRA. HORNER.

Parliament met on the 8th of November, but adjourned on the 1st of December to the 9th of February. During this short session, Mr. Horner spoke on several occasions.

TREATY WITH THE KING OF NAPLES.

On a motion for the House going into a committee on the Army Estimates, on the 21st of November, Mr. Whitbread put some questions to ministers relating to some proceedings of Lord Castlereagh at the Congress of Vienna, more particularly with regard to a treaty between Austria and the King of Naples, Murat, to which the British government had become parties; and a notification, signed by Prince Repnin, of a convention, by virtue of which the Emperor of Russia, in concert with Austria and England, had placed in the hands of the King of Prussia the administration of the kingdom of Saxony. Ministers only partially answered the questions; and the Chancellor of the Exchequer urged "the impropriety of bringing forward into public discussion every thing which formed the subject of discussion at Vienna." Mr. Stephen (Master in Chancery) took the same view, saying, that "it would be a practice very inconvenient for the House to have questions of this sort daily put to ministers."

Mr. Horner replied to Mr. Stephen: he said that

"nothing could show more clearly the change that had lately taken place in the practice of parliamentary proceedings, than to find a gentleman of the experience and ability of the hon. and learned member who spoke last, condemn the practice of seeking information of ministers. What had become of the functions of that House, if, when ministers demanded a large supply of money, gentlemen should be told that it was irregular to ask for what purpose it was wanted? If, indeed, there were any irregularity in this practice, it proceeded from the much greater irregularity that had lately been introduced on the other side of the House, in proposing large grants of money, and great armies to be kept up in time of peace, without condescending to inform the House for what purposes they were wanted. The right hon. gentleman desired them to wait with patience till some future day, when those subjects might be discussed with more regularity. He, however, conceived that the House had a right to be informed generally of the state of our foreign relations, although they knew that negotiations actually pending could not, with propriety, be communicated. His hon. friends, however, had not asked about any thing that was doing, but about things actually done. They did not ask what crimes were meditating, but they wished to be informed about crimes actually perpetrated. They did not inquire about an act of Prince Repnin alone, but they asked whether this act had not been sanctioned by Lord Castlereagh, and whether this country was not thereby already committed? He saw no difference, in the principle, between the annexations that were now making, and the tyrannical acts of that government against which we had been so long contending. The only difference that he could see was, that in- 1814. Æt. 37.

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stead of being the work of one great spoliator, it was the work of many."

On the following day, Mr. Whitbread again brought the subject of this treaty before the House. "It was," he said, "a treaty of alliance between the reigning King of Naples and the Emperor of Austria, by which the possessions of the former were guaranteed to him; and by a secret article in the same treaty, an accession of territory was promised to him from the dominions of the Pope, on condition of the immediate co-operation of his army with the army of the allies. This treaty was acceded to, on the part of the British government, by Lord William Bentinck; and a note signed by him bore that, in case the Neapolitan government should not exact the entering into a written treaty, but, relying on the word of a British minister, should be contented with a verbal engagement, the undersigned was instructed, officially, on the part of the British government, to approve of the treaty; and that, if the English government refused to sign a regular treaty, it was from sentiments of delicacy towards an ancient ally, the King of Sicily." The Chancellor of the Exchequer, in reply, stated, "The note itself assigned a reason for refusing to enter into a treaty; and it never surely could be contended, that the faith of the country was so pledged, under such circumstances, as in the case of a regular treaty; but, at all events, when the circumstances were fully known, it would turn out that this country had fully performed all its engagements."

Mr. Horner replied to the Chancellor of the Exchequer: he said, "It was true there was no actual treaty signed; but, in the same breath, the minister of the country said, although he would not sign a

treaty, he pledged his honour and the faith of the nation to the execution of his engagement. The honour of the country was as much given to Naples as if the most solemn treaty had been entered into. But there was an important consideration arising out of this business. It had been stated last night, on the part of government, in that House, that ministers possessed no information whatever of any accession on the part of Lord William Bentinck or Lord Castlereagh to the treaty between Austria and Naples. The denial was not so strong to-day as that which they had heard yesterday. But, at all events, he hoped the House would not forget, that if there was any accession to this treaty on the part of this country, ministers were in utter ignorance of it: if there was any such thing, they were altogether strangers to it. With respect also to the order of Prince Repnin for the surrender of Saxony, they had no official information respecting it. It had been stated, that Lord Castlereagh had given his sanction to this order. If so, the right hon. gentleman ought to have had official information of it. A Secretary of State had, in this instance, been sent abroad, instead of one of the description of persons hitherto delegated. It would be extremely inconvenient to the House and his Majesty's ministers in general, if persons holding high ministerial offices should be sent abroad, who might not think fit to communicate regularly with the government at home, and thus keep his colleagues from being officially informed of such important proceedings as the accession on the part of this country to the treaty between Austria and Naples, and the order of Prince Repnin for the transfer of Saxony to Prussia."

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The subject was resumed on the 25th, when Mr.

1814. Æt. 37. Horner again spoke. "The House," he said, "had a right to demand information, as it regarded the honour and faith of the Crown in its foreign relations, which should ever be dear to the House, whether we were not acting contrary to our treaty with the King of Naples. We had guaranteed to him the territory of Naples, with an addition even of territory, which would explain his present movements on the shores of the Adriatic, in the march of Ancona, and the duchy of Romagna. We had not pledged our honour to him on this subject gratuitously, but we had value received for our stipulation. We had not rushed into the arms of Joachim Napoleon, from any wish to secure those persons who had been raised on the ruins of the ancient dynasties, but because he had assisted us to overthrow the power which had raised him. We had received his co-operation in Italy, without which the movements of the allies, as well on the Rhine as in Italy, would have been embarrassed. Even at the time when Lord Castlereagh gave instructions to Lord William Bentinck to conclude the engagement with Joachim, the co-operation of that monarch was, he understood, necessary to render the position of Count Bellegarde on the Mincio secure. The state of our engagements with Joachim was this:—In April last, a treaty was concluded with Austria, which was presented to Lord Castlereagh for his concurrence. That noble lord returned the treaty with alterations in his own hand-writing, which secured an indemnity to the King of Sicily for Naples; and which territory was left to King Joachim, provided King Joachim should withdraw his claims upon Sicily. The treaty, thus altered, was agreed to by Naples; and Lord Castlereagh, at Dijon or Chatillon, signified his concurrence in it, and stated, that the

only reason why he did not formally accede, arose from motives of delicacy to the King of Sicily; but that, on his faith and that of England, he pledged himself that that treaty should be acceded to, and a peace, if possible, negotiated, *pari passu*, between the King of Sicily and Murat. The noble lord did not rest there, but instructed Lord William Bentinck to give the same assurance in writing which he had given verbally; and in consequence of the strange proclamation at Leghorn, he wrote a despatch to remove the possibility of doubt; to instruct Lord William Bentinck to disavow that proclamation to the Neapolitan minister; to assure him again, that Great Britain would accede to the treaty with Austria; and that, if Ferdinand would not accept an indemnity for Naples, Great Britain would not only desert him, but would support Naples against him. And so strong was the feeling in Italy on this subject, that the Queen of Naples, the sister of Bonaparte, made a declaration, (which, as coming from her, was rather curious,) that she would rather confide in a declaration of a British general, than a solemn treaty signed and sealed with any other power. Such was the statement, which had neither been admitted nor denied; and if it was true, he would put it to the House whether it was not a violation of honour and good faith to send money to Sicily, to enable her to recover that territory, which we had guaranteed to another power."

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IRISH PEACE-PRESERVATION BILL.

On a motion, on the 25th of November, for the third reading of a Bill brought in by Mr. Peel*, then

* The present Sir Robert Peel.

1814. Æt. 37. Secretary for Ireland, to amend an Act passed in the preceding session, to provide for the better execution of the laws in Ireland, commonly known by the name of the Irish Peace-Preservation Act, Mr. Horner took occasion to say, that "he had originally thought this Act, when introduced by the right honourable gentleman (Mr. Peel) a most unconstitutional one *; and of the principle of it he still entertained the same opinion; but from what he had lately heard, and particularly what had fallen from his right honourable friend who had spoken last (Sir John Newport), he was inclined to believe it had been attended with salutary effects; and it gave him the highest satisfaction to find that the Irish government had carefully abstained from acting on the very extraordinary powers with which the Act invested them. On this account, he did not feel inclined to give any opposition to the progress of the present Bill."

WAR WITH THE UNITED STATES OF AMERICA.

On the 1st of December, Mr. Horner brought forward a motion for a variety of papers relating to the conduct of the naval war against the United States of America, which he represented to have been such as to have brought great discredit on the country. He pointed out in detail the errors which he conceived the Government to have committed in their mode of prosecuting the maritime war, and the war on the Lakes, and also the insufficient protection that had been afforded to the trade of the country. That with regard to the maritime war, notwithstanding the immense naval strength and high naval skill we pos-

* See *antè*, p. 170.

sessed, we had sustained many defeats, and no effectual means had been taken to retrieve the tarnished lustre of our character; that there had been a complete neglect of all the means that common prudence would suggest for the defence of our Canadian frontier, and for carrying on the war on the Lakes; and that while he was ready to allow that all the complaints of the ineffective means for protecting our trade might not be well founded, he felt perfectly assured that so uniform and so long continued complaints, and representations to ministers from all parts of the country, could not be without some solid foundation. 1814. Æt. 37.

The Chancellor of the Exchequer, after expressing a wish that his Majesty's ministers might not be prejudiced on a question of such importance, said, "That he perfectly agreed in the importance of granting information, and had no objection to the production of the papers which Mr. Horner had moved for; but that it would not be becoming in him to enter into the different subjects of the speech they had heard, as it would be best answered by affording information."

Sir Joseph Yorke (one of the Lords of the Admiralty) said, "That the Admiralty would wait till the papers were produced before they made their defence, conscious that the contents of those papers would afford them a complete justification in the eyes of the public."

Mr. Horner, on rising a second time to move for the production of another paper, said, "It was certainly proper for the right honourable gentlemen opposite to determine in what way they would meet the question; nor had he any fault to find with them, for they had granted him the papers he required, and, from their conduct that evening, he should consider every charge he had brought against

1814. Æt. 37. them as undeniably true, until they were contradicted. He could not, indeed, believe it possible that men, sitting in their capacities, before parliament and in the face of their country, would patiently endure such accusations if they could refute them, and shuffle off the inquiry for three months longer! What! the ministers of the Crown, the ministers of a great nation, ministers entrusted with all the affairs of government, would they, if they could help themselves, say, 'Three months hence the voluminous papers you require shall be ready for you; and when you have got them, you may then fish out for yourselves the information you want?' Novel as their proceedings had been on various occasions during the present session, their present conduct exceeded all that had been before witnessed. But the best times of that House were gone by: they had lost those men who, trusting to their own eloquence, trusting to their own elevation of mind and character, their wisdom and integrity, would have dared their adversaries to the proof of accusations like the present; and not have sought to escape them by petty evasions. Such a scene, as was now beheld, would not have happened in their days, whose example and precepts the right hon. gentlemen opposite pretended to follow. He would not repeat the name of Pitt—they could not look up so high as that—but in the days even of Mr. Perceval, had a charge of gross neglect in the execution of their duty, a criminal betraying of the interests of their country, been preferred against the administration, how different, how widely different, would have been the conduct on the opposite side! Any men, having the feelings of men, any statesmen, having the feelings that belong to their high condition, could not silently brook the

imputations now cast upon the right hon. gentlemen opposite, without at least stating, in general terms, that the facts advanced were untrue, and the inferences unjust." 1814. Æt. 37.

The Chancellor of the Exchequer rose after Mr. Horner, and said, "that government was in possession of more than sufficient information to refute all the facts of the hon. and learned gentleman, but that he wished the justification of ministers to rest upon authentic documents, and not upon his bare assertions; and he would repeat, notwithstanding all that had fallen from the hon. and learned gentleman, that he was still willing, for the present, to rest the case upon that foundation." Mr. Wellesley Pole and Mr. Bathurst also rose on the part of ministers, defending their conduct in general terms, but resting their full justification upon the facts which the papers they would lay before the House would disclose.

LETTER CCXXV. TO SIR JAMES MACKINTOSH.

My dear Sir James, Lincoln's Inn, 6th Dec. 1814.

You may remember, the morning I saw you at Coppet, that Madame de Stael expressed a desire to see at full length a letter of Burke's, which was mentioned.* I have copied it out of Hardy's book; and will thank you to give it to Madame de Stael with my best respects. It was with much regret that I found myself compelled to pass through Paris, without having time to wait upon her at Clichy.

* Letter to the Earl of Charlemont, 9th August, 1789. See Hardy's "Life of Lord Charlemont," p. 321.—ED.

1814. Æt. 37. Our short session of parliament has not been inactive on the part of Opposition: Tierney, in particular, made considerable exertions, and gave us three or four speeches of great ability and effect. While we were protesting against the monstrous proceedings of the robbers at Vienna, I never ceased to wish you had been in your place to enforce our remonstrances. With what effect this expression of what I believe to be the public opinion of all England will be attended, rests with our minister; upon whom parliamentary control is not wholly without effect, as is shown in the publication he has made at Vienna of a treatise on the slave trade. A treatise by Castlereagh in favour of the abolition, who to the very last opposed the Bill of 1807 in the House! When you see M. Gallois or M. De Gérando, I beg you will give them my kindest respects; and believe me, my dear Sir James,

Most truly yours,
FRA. HORNER.

LETTER CCXXVI. FROM SIR JAMES MACKINTOSH.

My dear Horner, Paris, 12th Dec. 1814.

On receiving your letter yesterday, my first thought was to request you to call on Lady Mackintosh, that she might read to you what I had written, when the spontaneous communications of the Duke of Wellington were fresh in my recollection. But on farther reflection, both on the unspeakable importance of the subject, and on the just authority of your opinion, I resolved to request an interview with him, which passed this morning, without any mention of your name.

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He behaved, as he has always done in his conversations with me on this matter, with considerable apparent frankness; and, whatever his original opinions might have been, he seemed to have a fair disposition to do his utmost in the discharge of his present trust. The first act done by this government, in consequence of discussions with the Duke of Wellington tending to limit the renewed trade, was a circular letter from the Minister of Marine to the Maritime Prefects, in the end of September, instructing them to grant no "*autorisations*" (I know no corresponding term in our English usages) to vessels fitted out for the slave trade, to the north of Cape Formoso. Several other communications, in the following month, to the Prefects and to the *Armateurs* of Nantes and Havre, convey the same direction, more or less forcibly, but with the expression of a wish, that the limitation should, for the present, not be much noised abroad. On the 5th of November, the Duke of Wellington laid before the Minister of Marine a set of regulations for insuring the observance of this limited prohibition; of which the principal were, provisions to declare all vessels and negroes coming from that part of the coast — Prize, — as well as all slaves found on board any vessel within forty leagues of the shore between Cape Formoso and Cape Blanco, not being part of the crew of the ship. To two of these regulations they objected; — that relating to the payment of any sum to captors, on the ground of poverty; and to the establishment of a *hovering act* along the *whole* coast, on the ground that it was nautically inconvenient for ships to navigate, at that distance from land, between Cape Formoso and Cape Palmas. About a fortnight ago, they communicated to the Duke a *projet de règlement*, which is intended to be published by the King, to carry

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into effect his declaration of the 27th of May, by the immediate abolition of the trade on that part of the coast, where it had actually been abolished during the war. This is stated in the preamble to be one of its objects; and another is there said to be, that of preparing the way for the universal abolition, at the term fixed by the treaty. The greater part of this *règlement* is pretty satisfactory: but they have availed themselves, in a very suspicious manner, of the supposed necessity for coasting to the south of Cape Palmas. Instead of a prohibition of the trade to the north of Cape Formoso, they have prohibited it in the *règlement* only to the north of Cape Palmas. This would be nothing, and is contrary to the principle avowed in their own preamble; for the trade had actually ceased as much on the coast between Cape Palmas and Cape Formoso as to the north of the former. But the Duke intends to remonstrate on this strange substitution, and he confidently expects that Cape Formoso will be inserted in the *règlement*, instead of Cape Palmas. He originally proposed that the ships of war of each power should have the right of enforcing the abolition laws of the other. But he represents the government here as fearful of being thought to be too much under English influence; and for that reason unwilling to sanction the principle of reciprocal seizure.

Lord Castlereagh and he had, it seems, suggested to Talleyrand the necessity of a law on this subject, and of course the concurrence of the two Chambers; but neither Talleyrand, nor any of the other ministers, admit such a necessity. They represent commerce as being capable of being regulated by the King's prerogative. Your question is, I conceive, not put as a French Whig, but as an English abolitionist. If this

règlement be held here to be a legal abolition, on the northern part of the African coast, it is sufficient for our purpose. To this information I venture to add, that, in my opinion, it would be wise to give the ambassador a reasonable time for obtaining this *règlement* on as good a footing as he can, before any thing be done or said on the subject in England. 1814. Æt. 37.

The Duke told me, though perhaps rather in a more confidential manner than the rest of his communication, that, in consequence of a conversation of Talleyrand with Lord Holland, he (the Duke) had been authorised to offer a colony for the immediate abolition; that this offer was at first pretty peremptorily rejected, but that, since some discussions, in which he endeavoured to prove the impossibility of recovering St. Domingo by arms, and the wisdom of offering a charter to that island, which should insure the liberty of the negroes, and procure as much compensation as can be had to the ancient landowners, they have shown rather less aversion to the exchange of their slave trade for a colony. It appears that Talleyrand supports, in the congress, the measure of an abolition by all Europe. You have now all that I know or think on the subject.

Nobody can be here without feeling the great hatred entertained against us by all ranks and parties. It has been a little abated during the last three weeks, by the debates of the House of Commons, which have been more important, and I hope more beneficial, on the Continent, than at any former period of our parliamentary history. The general sentiment wanted an organ, and the only popular assembly in Europe partially supplied it. You gave the sanction of a public body to the principles of common sense; and you have certainly contributed

1814. Æt. 37. to all the success which may attend Talleyrand in his new office of assertor of justice and protector of weakness. I feel sorrow at having taken no part in these good works. But at the beginning I consulted my friends, among others your neighbour*, whether I should return to the short session, or pursue my historical inquiries here.

I have been pretty successful here, though, for the last three weeks, my public researches have been suspended, in consequence of the hostility of Hauterive, the absence of Talleyrand, and the jealousy of Lemontey, who is writing the History of Louis XV., from the archives opened to him by Napoleon. Mr. Falck is, however, to send me a copy of King William's Correspondence, by M. Fagel; and, for my first volume at least, I shall be very rich in materials. In the course of next week I shall probably set out for London; but if you have any further inquiries to make, your letter would probably still find me in Paris, and, at the worst, would be taken care of, as I shall leave my son-in-law in my lodgings; which are, Hôtel de Bourbon, Rue de la Paix.

I am, my dear Horner,

Yours most truly,

J. MACKINTOSH.

* John Whishaw, Esq., whose chambers adjoined those of Mr. Horner, in New Square, Lincoln's Inn. — ED.

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LETTER CCXXVII. FROM THE RIGHT HON. GEORGE PONSONBY.*

My dear Sir, Dropmore, 25th Jan. 1815.

We who are here, Lord Grenville, his brother, Elliot, Newport, and myself, have been talking over the first operations fit to take place upon the meeting of the House; and we have agreed that the best motion to begin with (upon notice), is one relative to America; and that the best form will be to move for a committee to inquire into the conduct of the war. The papers which have been published, and the peace which has been concluded, since the adjournment, seem to render such a motion peculiarly expedient; for there can be no doubt that the feelings of the country must be strongly excited by the disclosure of the facts contained in those papers, and by the conclusion of a peace, justifiable only (in the opinion of those who concluded it) by necessity; a necessity arising solely from their own mismanagement of the war. We hope you will concur in our view of this subject; and that you will have the goodness to give, when the House meets, a notice of your intention of moving for the Committee upon Thursday the 16th of February. I am myself persuaded of the utility of early and constant action in the House; and I am sure the public interest demands and the public expectation requires it. To our friends I have written some time ago, requesting their attendance; and I have every reason to be confident of their compliance.

I shall be in town, to remain, on Friday, and will

* At that time, the acknowledged leader of the Opposition in the House of Commons.—ED.

1815. endeavour to find you at leisure, to converse a little
Æt. 37 upon these matters, very soon after.

I am, with the truest regard,

Yours,

GEORGE PONSONBY.

LETTER CCXXVIII. TO J. A. MURRAY, ESQ.

My dear Murray, Lincoln's Inn, 30th Jan. 1815.

I thank you for your kind attention to all my commissions, contained in my two last notes. I never entertained any doubt that, upon the question of the unanimity of verdicts, a concession must be made to strong prejudice or misconception; as upon every other part of the Bill, or of any new measure that respects the administration of justice. The word *unanimity* has done the mischief, which is none of ours. The principle of the English jury is no more than this, that they should *agree* before they give in their verdict; which, practically, secures all those benefits of discussion, of a disposition in all to be reasonable and moderate, and of an opportunity still left to a single dissentient to have his arguments heard, that would be excluded by the rule of a majority. Substantially and practically, in nine cases out of ten, the verdict must go by the sentiments of the majority; but the operation is very different from what it would be, if it went *of course* by the voice of the majority. I cannot speak from much of what can be called experience; though, with something of that sort, and with a good deal more of reflection upon the principles that ought to regulate the constitution of courts of justice; but I own that my opinion is, without any hesitation, that the requiring of the jury to agree before they give

their verdict, and the taking it from them as being said by them all, is a highly valuable part of our existing system. 1815. Æt. 37.

There is certainly no foundation for the distinction with which I am honoured, it seems, at Edinburgh, of being a convert to the Corn Bill. The more I have read upon the subject, and the more I hear upon it, I get more firmly fixed in my original opinion, that nothing should be done; of course it will be carried with a loud clamour, and with much abuse of all *lackland* theorists. It would be as absurd to expect men to be reasonable about corn, as to be reasonable in matters of religion.

I do not imagine any new discovery is made about the relation of the price of labour to that of grain, or the effects of scarcity or plenty upon wages. The principles, upon which all such effects must depend, are obvious to every one who understands the operation of demand and supply upon prices; indeed, they are all an application of that single principle. A great many cases are necessary to be put, in order to distinguish the various effects of scarcity or plenty upon wages, according to the nature of the particular employment in which labour is to be paid for; but even when the effects are the most opposite, it is still the operation of the same principle. All this is stated well enough by Adam Smith, towards the end of his chapter on the Wages of Labour.

The most important convert the landholders have got, is Malthus, who has now declared himself in favour of their Bill; and, to be sure, there is not a better or more informed judgment, and it is the single authority which staggers me. But those who have looked closely into his philosophy will admit, that there is always a leaning in favour of the efficacy of

1815. laws; and his early bias was for corn laws in particu-
Æt. 37. lar. It was a great effort of candour, in truth, to suspend his decision upon this particular measure so long. I think I could demonstrate, from his own principles of population, that if this measure is effectual at all, it must be attended with great misery among the manufacturing classes, as well as among the labourers in husbandry; and with a violent forced alteration of that proportion, in this country, between agricultural and manufacturing population and capital, which the freedom of both has adjusted, and would continue to maintain, better and more lightly for all the people, than can be effected by all the wisdom of all the squires of the island, with the political arithmeticians to boot.

Affectionately yours,
FRA. HORNER.

LETTER CCXXIX. TO THE REV. T. R. MALTHUS.

My dear Malthus, 12th February, 1815.

I have to thank you for sending me your two new publications upon the corn question, which I have read, and am still reading. You will think me very hardened, but I must own that my old faith is not shaken by your reasonings; on the contrary, I am even so perverse, as to think I have discovered, among your ingenious deductions respecting rent, some fresh and cogent arguments in favour of a free corn trade for this country; by which I always mean, as free a trade as we can secure by our own good sense, however it may be impaired by the deficiency of our neighbours in that qualification. If the consequence of "high farming" and curious cultivation be a pro-

gressive rise of the price of produce, an importation of partial supplies from countries, which by a ruder agriculture can furnish it cheaper, seems the provision laid by nature for checking too exclusive an employment of capital upon the land least fit for culture. It would be a palpable sacrifice of the end to the means, if, for the sake of extending our most finished husbandry to every sterile ridge that can be forced to yield something, we impose upon the whole body of the people extravagant prices for the necessaries of life. Nor do I see, upon your peculiar principles, what other result there would be, if Dartmoor and Blackstone Edge were laid out in terraces of garden-ground, but a population always in some peril of being starved, if their rulers will not let them eat the superfluity of their neighbours. I have not leisure to write out in any systematic form what has occurred to me, but I wish you would allow me to suggest some objections to you, and to request farther explanations from you, on some points which I have marked in a very hasty perusal of "The grounds of your opinion." I mean to put them down without any attention to order, and will stuff as many of them into this letter as I have time for; I have, in truth, very little time for these speculations. 1815. Æt. 37.

Why do you say, p. 28., that "in all common years, France will furnish us with a large proportion of our supplies?" This affirmation is not founded upon the parliamentary evidence, which bears the contrary way. The witnesses were not examined till a considerable time after the signature of the Definitive Treaty; yet, in stating the various countries from which we are to look for imports of grain, during the subsistence of peace, none of them ever name France, or seem to think of it; although a great

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many foreign corn factors are brought forward, and some whose experience goes back for years, previous to the commencement of the long war. They say indeed expressly, that they know but one instance of an import from France, which took place after the harvest of 1809, and until the prohibition in July 1810. That exportation was allowed by the French government, to relieve the pressure of an excessive plenty. But why did not the same motive operate more frequently, if you are right in what you state, p. 13., that "prices have been often as low during the last ten years as they were after the last harvest"? And, by the way, in your statement of the French prices in the same passage, which is made, of course, for the sake of comparisons with our own, should you not have included the difference of exchange, when you converted their money into ours? You talk of the law, made by the two Chambers last summer, for the regulation of their export price, as if it had cast quite a new light upon the whole subject, and as if it, for the first time, had admonished you of having too precipitately made admissions of the favourable effects of a free trade. Had not the French always such a regulation, if not the very same?

You state, p. 5., that, by the recent improvements of agriculture, "we had become much less dependant upon foreign supplies for our support." What proof is there of this? The excess of imports does not appear to have sensibly decreased of very late years; it never was so high as in 1810. The small quantity imported in 1812 (the accounts make it double what you state it to have been) is in the following page, not consistently, I think, used by you, not as a consequence of the increase of our

home growth, but as a proof of the difficulty of importation. A fact of this nature cannot tell both ways, it seems to me. 1815. Æt. 37.

Speaking from recollection only, I should not say that it is a result to be gathered from the evidence before Parliament, that "a continuation of low prices would, *in spite of a diminution of rents*, destroy farming capital, and diminish produce." (p. 5.) The witnesses, who make this prediction, generally at least, if not uniformly, speak upon the supposition of the present rents being still to be paid. I may observe too, that they generally take for granted, which is more fallacious, that with low prices, and continued low prices, all the expences and outgoings of a farm are still to keep at their present rate; and so they prove, demonstrably to their own conviction, that a farmer will never be remunerated if he gets but 8*s*. a bushel for his wheat at market, while he is feeding all his ploughmen, and buying his seeds, and paying all the auxiliary labour of the farm, with wheat at 12*s*. a bushel.

You have made a fair allowance for the partiality and interest of those who were called upon *to give* evidence. You thought it would be indecent to give the same indulgence, or rather you could make no allowance for the bias of those who were appointed *to take* the evidence. There are some very gross instances of this: see, in our Commons' Committee, how they dispatch Charles Mant, when he hints that the rate of the protecting price should be estimated, not according to the present expences, but according to that very fall of grain and labour, which are anticipated; they huddle up that subject, and pass on in a hurry to other matters.

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I think some portion of the same fallacy, which I last mentioned, has slid into that part of your argument, p. 24., where you point out the advantages the labourer may derive from a high money price of corn, and consequently high wages to himself. Do not you assume that, though corn should fall and bring down wages, yet there will be no fall in the prices of any other articles of his consumption?

In considering the influence of a low price of corn upon the condition and comforts of the labourer, you have wholly omitted this consideration, that such a fall will release thousands and tens of thousands from the parochial pauper list, and restore them to the pride of earning their bread by free labour. I could not read without indignation, in the evidence of Mr. Benett, of Pyt House, who seems the very model of a witness for Corn Committees, his cool statement of the rule he makes, and unmakes, for the distribution of rations of provender and fodder among the prædial slaves of a whole district of Wiltshire. It is this audacious and presumptuous spirit of regulating, by the wisdom of country squires, the whole economy and partition of national industry and wealth, that makes me more keenly averse to this Corn Bill of theirs than I should have been in earlier days of our time, when the principles of rational government were more widely understood, and were maintained by stronger hands at the head of affairs. The narrow conceit of managing the happiness of the labouring population, and of directing the application of industry, as well as the competition of the market, works in the present day upon a much larger scale than when it busied itself with the pedlar items of the foreign trade.

You have stated, p. 27., rather like a skilful advocate

than quite fully, the experience of the last hundred years respecting the fluctuations of the price of corn. You have shown but one side of that experience, which has two sides, very much alike. You take one period of fourteen years, and show a considerable fluctuation, by including remarkable years of dearth. This is during the time of imports being in excess. But take another period of fourteen years, while the excess was on the side of exports; for instance, the period from 1706 to 1720; the price of wheat in 1706 was 26*s.*; in 1709 and 1710 was 78*s.*; in 1719 was 35*s.* Take the first seven years of the last century, the average price was 30*s.*; in the seven subsequent years the average price was as high as 57*s.* In 1740, the price I find was 50*s.*; in 1743 only 24*s.*; in 1757 again 60*s.* After this, it must be admitted that the argument concerning *fluctuations* rests still in theory; and then *my* theory would be, that, upon the whole, nothing will contribute so much to make prices steady as by our leaving our own corn factors unfettered by restrictions and regulations of our own making; and, without embarrassment from that source, to make their own arrangements for bringing corn, when it is wanted, from the various large and independent markets, of which, in the present circumstances of the world, they have their choice. And though one may argue from experience, it can never be a sound inference from the state of prices, under the imports of the last seven or eight years, to conclude that there will be the same uncertainty in the new position of political circumstances.

Though I have something more to object, I must release you for the present. Excuse the perfect freedom with which I have very hurriedly written these animadversions; and treat me still as one of whose

1815. Æt. 37. conversion from heresy some hopes may be entertained. I should be sorry you should set me down for obstinate, and beyond repentance; do not consign me to silence; I do not mind being consigned to the flames by Squire Western and the rabble of Irish economists.

Ever very truly yours,
FRA. HORNER.

P.S. By the way, I cannot part without saying how I grudge my adversaries on the bullion question the lift you have given them. Surely your corn zeal has lessened too much in your eyes, for the moment, the magnitude of that evil.

The House of Commons met, pursuant to adjournment, on the 9th of February; and on the 21st Mr. Lambton* moved for a variety of papers relative to the transfer of Genoa to the King of Sardinia; which he characterised as an act by which His Majesty's Ministers had degraded England in the eyes of the world; for they had abandoned a pledge, given to a nation invited by them to independence. He stated that, in April, 1814, Lord William Bentinck, in a proclamation, had told the people of Genoa, that their ancient government was restored. That, in the name of the British government, he appealed to their national feeling,—recalled to them the days of their ancient prosperity, and pledged his country to reinstate them in their former privileges. That, not-

* Afterwards Earl of Durham.

withstanding all this, in eight months afterwards, a mandate arrived from the Congress of Vienna, annulling all that had been done in favour of Genoese freedom, and delivering up the country to the King of Sardinia. That the transfer was made by a British proclamation, signed by a British officer;—that in this proclamation, General Dalrymple informed the people of Genoa, that the government appointed by Lord William Bentinck had been delivered up into his hands; and that he surrendered it, by command of the Prince Regent of England, to the King of Sardinia.* 1815. Æt. 37.

Mr. Horner is said to have made on this occasion "an animated speech," in which he took a view of the conduct of the British government towards Genoa. The report of what he said, as contained in Hansard's Debates, is given in the Appendix; but it is so brief, that it can be little more than an outline of a speech, which could call forth the high encomiums that several eminent persons, who heard it delivered, afterwards bestowed upon it.

CORN-LAWS.

During the month of February, the subject of these laws was several times under the consideration of the House, and Mr. Horner appears to have taken an active part in most of the discussions.

The Right Honourable Frederick Robinson† moved, on the 14th, that, on the 17th, the House should resolve itself into a Committee, to consider the state of the

* Hansard's Debates, vol. xxix. p. 928.

† The present Earl of Ripon, who was at that time Vice-President of the Board of Trade. — Ed.

1815. Æt. 37. Corn-Laws; and he announced his intention of then submitting a series of resolutions, preparatory to the introduction of a Bill; and on the motion of Mr. Horner, some returns were ordered, to render more complete the information that others, ordered on the motion of Mr. Robinson, were intended to afford.

Mr. Alexander Baring* moved, on the 15th, for another return. Mr. Horner asked the Chancellor of the Exchequer, "whether he intended to take the sense of the House at once upon resolutions, which had perhaps been fully discussed, and unanimously carried, at the house of Lord Liverpool, but of the grounds of which, or the justness of the reasonings urged in their support, Parliament could have no knowledge. In all great questions, it had been the practice to communicate some information, before calling upon the House to vote; instead of which, a sort of Lords of Articles had been sitting in Whitehall-yard, to determine upon what should be brought forward, and making a compromise of opinions. He certainly did consider that such a proceeding had a tendency to fetter the freedom of opinion in that House."

Mr. Robinson brought forward his resolutions on the 17th, the most important of which were, in substance,—that foreign corn, &c., might be bonded and re-exported without payment of duty; and that the importation from foreign countries for home-consumption should be prohibited altogether, until wheat rose to eighty shillings the quarter, and other kinds of grain in the same proportions as then existed; and that the same prohibition should apply to our North American colonies, until wheat rose to sixty-seven shillings. After a long debate, it was

* The present Lord Ashburton.

agreed that the resolutions should be recommitted, *pro formâ*, on the 20th, and the Report be received on the 22d. On the latter day Colonel Gore Langton, after stating that he was opposed to any change being made in these laws, opposed the motion for the House going into Committee; but only 6 voted with him in a House of 203. On that occasion Mr. Horner said,—"he came down to the House with a sincere desire of hearing the question fully discussed; for, however strong might be his own opinions, he thought it due to the importance of the subject to hear the opinions of all who had considered it, and to ascertain the various modes in which the evidence which had been adduced had struck various minds." The debate lasted till two o'clock in the morning, and was adjourned to the next day; and then Mr. Horner delivered his sentiments on the question. The report of his speech, as given in Hansard's Debates, will be found in the Appendix.

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Another adjournment took place at half after three in the morning to the 24th, when Mr. Robinson's resolutions were agreed to. Another and a very long debate took place on the bringing up of the Report on the 27th; Mr. Baring proposed, and Mr. Horner seconded a motion for adjournment, which was negatived; but soon afterwards the motion was renewed by Mr. Baring, and seconded by Mr. Horner, and carried. The resolutions were finally agreed to on the 28th, a Bill was brought in next day, and, after long discussions in its several stages, was passed on the 10th of March.

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LETTER CCXXX. TO HIS FATHER.

My dear Sir, Lincoln's Inn, 3d March, 1815.

I have had no time for writing lately; for we have had constant sittings in the House, and the Chancellor has been driving through his paper at a hard rate. I am engaged in so many of the causes that stand for hearing till the holidays, that I have given up thoughts of going the first part of the circuit, and shall probably not join it till the end of Passion week, in Cornwall. They have lately taken me into some Irish Chancery appeals.

The Corn Bill has been well discussed, though carried clamorously and precipitately. It is in truth a most unwise measure, though I really believe that most of those who vote for it have brought themselves to believe that it may be serviceable to the agricultural interests of the country; at the same time, the most conscientious of them cannot but know, they will be no losers by it: for if it proves effectual at all, its operation will be merely to save rents a little in their unavoidable fall, and to gain this advantage to landlords, by putting the people upon shorter allowance than they would otherwise have. Petitions are now coming from all quarters, and a good deal of heat is rising in the large towns; but the bill will probably be out of our House, before the petitions can be found in sufficient numbers to intimidate votes; and in the House of Lords, the voice of the people is not likely to be heard. I hear we are, in all probability, to have wheat at a very high price, before the middle of summer; which may be attended with some inconvenience, if the popular impression should be, that that is owing to the new-made law.

We have had three excellent debates, on the militia question in which Sir Arthur Piggott distinguished himself very much, and on the two cases of Genoa and the Spaniards given up by the governor of Gibraltar, on both of which occasions Sir J. Mackintosh made very able speeches. The conclusion of the one he made about the Spaniards was a finished and very eloquent composition. I had a little success, in my little way, on the Genoa affair; it was an easy and most agreeable subject to speak on: and in the other debate, I had the satisfaction of expressing some very whiggish doctrines about Ferdinand the Beloved. Excuse this egotism. My kind love to my mother and sisters. 1815. Æt. 37.

Ever affectionately yours,
FRA. HORNER.

LETTER CCXXXI. FROM WILLIAM MURRAY, ESQ.* TO MR. HORNER'S FATHER.

My dear Sir, Temple, 8th March, 1815.

I cannot resist the opportunity which a frank offers, of writing you a few lines of congratulation upon the excellent appearances which your son has lately made in the House of Commons. His speeches upon Genoa and the Corn question I have heard mentioned with the most unqualified praise, by some of the best judges; among whom I may mention Sir Samuel Romilly and Sir James Mackintosh. The latter said, that "two such speeches had never been made in the House of Commons by the same person in one week; or, at least, not for a great many years." It seems now

* See note, Vol. I. p. 284.

1815. Æt. 37. perfectly understood that his character, as a speaker, is firmly settled in the very first rank of the House of Commons.

What a pity it is that the speeches to which I allude were so imperfectly given in the newspapers!

Believe me, my dear Sir,

Yours sincerely,

Wm. Murray.

BANK RESTRICTION ACT.

Another important measure of the Government in this session, to which Mr. Horner naturally directed his attention in its progress through the House, was the renewal of this Act. On the first day the House met, after the long adjournment, that is, on the 9th of February, the Chancellor of the Exchequer proposed, that on the 13th the House should go into Committee to consider this Act. Mr. Horner asked him, whether he meant to propose the renewal of the Act, without first moving for a Committee on the affairs of the Bank; and the Chancellor of the Exchequer having replied that he had no intention of moving for such a Committee, Mr. Horner next day said,—"he should move for the production of such papers as would enable Members to form some judgment on the state of the currency of the nation, and the issues made by the Bank of England. He conceived that an inquiry should be made into the funds of the Bank, to ascertain whether the Company would soon be capable of renewing their payments in cash; and that this was an inquiry in which the feelings of the country were deeply interested. Without more information than had yet

been produced, it was not possible for the House to form any accurate opinion relative to the matter." 1815. Æt. 37.

On the 16th of February the Chancellor of the Exchequer stated that, "whatever difference of opinion might prevail as to the period at which it might be practicable to resume cash payments at the Bank, he apprehended that all were agreed that such payments could not be resumed by the 25th March next, on which day the Act would expire; it was therefore necessary that a Bill should be brought in, to continue the Act for a limited time." This was agreed to without opposition. In the Committee on the Bill on the 2d of March, it was agreed that the continuance should be to the 6th of July 1816; and on the bringing up of the Report on the 7th, Mr. Horner said,—

"He was decidedly of opinion that the Bank ought to resume cash payments as early as possible, and he could not allow this opportunity to pass without entering his protest against the Bill altogether. The Chancellor of the Exchequer, who had said that he expected the measure would not continue to be necessary beyond July, 1816, he regarded as being pledged, not that the Bank should resume its payments in cash at that time, but that he would not lose sight of the subject. It was a mere delusion to suppose that the Bank would resume cash payments if left to themselves. Government must interpose its authority; for it was not natural that the Bank should, spontaneously, give up the great profits which they derived from the system of restriction. Was it not a strange circumstance that, during the period of our greatest foreign expenditure, and our largest importation of grain, the price of gold was falling; and that it was rising this year, when our foreign expenditure was rapidly diminishing every week, and the importa-

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tion of wheat had ceased? On the third reading of the bill he should propose that a declaration of the principle, that the Bank must resume its payments, should be introduced. No one wished cash payments should take place immediately, but that ministers should adopt the doctrine of the necessity of their taking place."

On the third reading of the bill on the 9th of March, Mr. Horner moved as an amendment, "That whereas it is highly desirable that the Bank should, as soon as possible, resume its payments in cash, immediately after the passing of the present act, measures should be taken by the Bank to enable them to resume such payments. His object," he said, "in proposing this amendment was, that the Bank should, in the fifteen months longer allowed them, lose no time in preparing to resume cash payments, and not consider this as a new lease of exemption from paying in specie."

The Chancellor of the Exchequer said, "he had no objection to the introduction of the first part of the amendment, which expressed the desire of a resumption of cash payments, as he himself felt a sincere wish for that event; but he would certainly object to the latter part, which required the adoption of immediate measures for that purpose." Mr. Horner consented to take only the first part of his amendment. He said "that his purpose in proposing the amendment was to record the difference in principle on this question. He agreed that the Bank could not commence cash payments till the market and Mint price of gold were the same; but then the Bank must take steps themselves to bring this about. He contended that the present amendment was perfectly consistent with the Report of the Bullion Com-

mittee. We had been already ten months at peace, and by the present bill fifteen months were added to the period of the restriction, which amounted to more than two years. The House might rest assured that unless Parliament interposed, payments in cash would never be resumed by the Bank of England, whatever might be the good wishes expressed by the directors in that House. He then altered his amendment to the following words:—'That it is highly desirable that the Bank of England should, as soon as possible, return to the payment of its notes in cash.'" The amendment was agreed to. 1815. Æt. 37.

Letter CCXXXII. TO EARL GREY.

Dear Lord Grey, Launceston, 28th March, 1815.

I cannot say how much I feel obliged to you, for taking the trouble of writing to me so full and satisfactory an account of the sentiments of our different friends at the present moment: they seem all of them, upon the whole, more pacific than I was prepared to expect. The preservation of peace for any length of time is, I fear, a vain wish; considering the parties, on all sides, with whom it rests. But the manner of our renewing the war is a point of principle, upon which I dreaded more serious differences of opinion. These may be saved probably by the immediate course of events, or rather by the conduct of the single man who guides or drives the events of our time. But if he should, in the first instance, think it for his advantage, to hold out terms of peace and moderation, a schism would seem unavoidable; at least for the interval of such a discussion, between

1815. Æt. 37. those who are for an immediate invasion of France, because Bonaparte is sure in the end to play his old part, and those who think that every thing is gained for the justice and popularity of the war throughout Europe, by forbearing to interfere in French affairs, till aggressions are again attempted. It affords me the greatest satisfaction to know, that the opinion I had formed, upon this turn of circumstances, coincides with that of your Lordship, in all points.

A war renewed now upon the footing of the Treaty of Paris, will be in truth a war for the restoration of the Bourbon family; coupled with a still more indefensible principle, that of proscribing an individual to destruction. No successes would ever reconcile me to such a war; but by so recommencing it, we should multiply all the chances against us. The entrance of foreign troops upon French territory will give the Emperor, at once, all the strength of French national enthusiasm; certainly not weakened by having been suppressed for a year, nor by the insults which it has recently submitted to. If the Austrians march across the Rhine, I suppose they will detain the empress and the young boy as hostages; and that cannot fail to give Bonaparte an advantage in the war, both among his own people and foreigners, of all the interest and sympathy which such a circumstance must naturally inspire; and all this is to be done, with the hope of forcing upon France a family, who, in a year's possession of the throne, could not secure a dozen bayonets to keep them in it; and who were so utterly insignificant, that they were not molested in their flight.

Believe me, my dear Lord,

Most truly yours,

FRA. HORNER.

LETTER CCXXXIII. TO HIS FATHER.

My dear Sir, Lincoln's Inn, 10th April, 1815.

I have just time to acknowledge your letter of the 7th with its kind inclosure, having been all day at the House of Lords.

I have a good deal to communicate to you, connected with politics; but it will be a couple of days before I shall find time for so long a letter as I have in view. You would not be sorry, I am sure, to see my name in the small minority the other night, which voted that we ought not to begin the war by an attack on France. The question is a very difficult one, and upon which different views may be taken, even by those who are most agreed upon political principles and objects. My determination was not taken without a great deal of previous consideration, which my absence from London gave me an opportunity of pursuing at leisure, and I did not give that vote before my opinion was clear and satisfactory to my own mind. The consequences, in the event of immediate war, may be important to myself, with respect to my seat; but, of course, I saw all these consequences, and gave them no weight. There are some differences of opinion among our leaders, which may never come to a difference in Parliament; that depends upon events; but having had confidential communications with both the eminent persons to whom I allude*, I have found, in this instance, only fresh occasion to respect the patriotism and public integrity of both. But I shall be more particular, when I can

* Lords Grey and Grenville. — ED.

1815. Æt. 37. find time to write at length; in the mean time, I request that you will keep the whole of this to yourself, with the exception of Leonard; for the time is not yet come for making any such disclosure, and it is possible that the necessity of making any disclosure may yet be averted.

The state of things at Paris is infinitely curious, and not yet intelligible.

Most affectionately yours,

FRA. HORNER.

LETTER CCXXXIV. TO HIS FATHER.

My dear Sir, Lincoln's Inn, 18th April, 1815.

Though no circumstance has occurred since my last note, to terminate the suspense in which all political affairs are at present held, or to break the silence which mutual kindness and unwillingness to differ in action have thrown over the differences of opinion that exist among the leading persons of opposition, I feel it due to the impatience which my note may have occasioned, not to keep you any longer in ignorance of what has passed about myself. At the same time, I must request you to observe still the same confidential secrecy upon this subject; on which it would be improper on every account, and particularly on account of the kindness with which I have personally been treated, that any premature disclosure should come from me.

As I have already explained to you, I had formed my own opinion, upon the new state of affairs produced by the return of Bonaparte to France, before I left London for the circuit; and the leisure of travelling by myself, and of the time I passed in the coun-

try, afforded me an ample opportunity of reconsidering all the circumstances. It was but too certain that there had arisen an entirely new conjuncture, in which there was to be expected a diversity of opinions, and in which every individual, having a seat in Parliament, would have his vote to give according to his judgment. 1815. Æt. 37.

Before I left London, I explained the views I then took of the subject to Lord Grey, and requested him to apprise me of any indication that might appear in the party, of sentiments more inclined to war. During my absence, I was apprised by him of a correspondence that had passed between him and Lord Grenville, in which the latter, with that frankness and public integrity which mark every part of his political conduct, had sought occasion to put Lord Grey in possession of the whole of his opinions upon this new state of things. The result was, the statement on Lord Grenville's side, of an opinion that the maintenance of peace with Bonaparte is impossible, and that our policy ought therefore to be a renewal of the concert of last year for immediate action; on Lord Grey's, the opinion, that, even granting war to be unavoidable in the end, it is the duty and policy of this country, and of the allies, to take every chance of maintaining the peace, and that a war immediately begun, by an aggression against France, would both want the justification of aggression by France, and would involve the unjustifiable principle of interfering with the right of the French to choose their own government.

I wrote to Lord Grey, and expressed the satisfaction I felt in coinciding wholly with his sentiments; and then I turned myself to consider, how I should proceed with most propriety and delicacy towards

1815. Æt. 37. Lord Grenville, in order to relieve him, or Lord Buckingham, from the disagreeable necessity of making any communication to me, and at the same time to avoid every thing like fuss or *éclat* in relinquishing my seat for a difference of opinion with those from whom I hold it. The impression with which I came to town was, that I should at once abstain from attendance in Parliament, and with that feeling I declined attending a meeting held that night at Mr. Ponsonby's, for the purpose of considering what was to be done next day upon the message from the Throne. When I found, however, that Lord Grenville's nearest connexions had attended that meeting, and not only they, but those who are the most decided upon the question of immediate war, such as Mr. Elliot; and when I saw that there was the most sincere anxiety on both sides to avoid, or at least to postpone as long as possible, any public declaration of the difference of opinion, I thought it would be better, not yet to go out of my own course, but to wait for the circumstances that would either force such declaration or supersede it.

Upon the message, every thing went off as well as could be desired in the House of Lords, in consequence of the cautious, if not pacific, speech made by Lord Liverpool: the same forbearance was highly desirable to have been observed in the House of Commons, but in that we were disappointed, partly perhaps by a little forwardness on the part of Whitbread, but much more by the tone of Lord Castlereagh's speech. An amendment therefore was put to the question, expressive of an opinion unfavourable to immediate and aggressive war; and though many of the real friends of peace, and of our surest adherents in politics, voted against the amendment in consequence of Mr. Ponsonby having committed himself

hastily not to vote for any, yet the vote being taken, I had no hesitation in going out with the minority, and reflect upon that vote now with the greatest satisfaction. 1815. Æt. 37.

When I went home that night, I found a note from Lord Grenville, desiring to see me, in order to have some conversation with me on the new state of affairs, which the reverse in France had occasioned. This was exactly what I most desired, and what relieved me from every embarrassment. I waited upon him next morning (the 8th of April), and shall now endeavour to state to you as much as I can recollect of the conversation.

[*Here the letter terminates, and it does not appear to have been sent.* — Ed.]

Letter CCXXXV. TO FRANCIS JEFFREY, ESQ.

My dear Jeffrey, Lincoln's Inn, 19th April, 1815.

I did not hear before of your being ill, nor of your growing avaricious; if your avarice and indisposition grow together, I shall not be very uneasy about your health.

You did right, I feel quite certain, to save the garden wall, at least for further consideration. Though I have never seen it yet, my prejudice is much in favour of old garden enclosures near a house; shelter, and trimness, and formality, and much variety and luxuriance of vegetation close to the house, are my notions of enjoyment in a garden, which are all borrowed from Lord Bacon and Sir William Temple's descriptions, with a little improvement from Price, and are diametrically opposed to the late fashion of having nothing in sight of your mansion but grass, and that up to the door, and that close shaven, in

1815. order that there may be as little of richness in the vegetation as variety. I envy your occupations at Craigcrook greatly; for, of all things in the world, what I most long to be at, is to be in my own garden of Eden. I have a particular fancy for making a winter garden, full of all the shiny evergreens that can be brought together; to have the enjoyment of their verdure on those winter and spring days of occasional gleam, which diversify so delightfully our stormy climate. You promise me shelter for our stoicism; you can keep no shelter but upon the old plan of a garden. I mean certainly to come and see you in the course of the year; if I can manage it, in August and September; and I fear that by that time no ethics but stoicism of the severer kind, taken from Epictetus rather than Marcus Antoninus, will suit the condition of this poor world. We are doomed, it seems, to a farther prolongation of those pangs and throes by which the continent of Europe is agitated, while she is throwing off feudalism, and the divine right of kings, and the earthly rights of priests. It is a dismal period to live in. I own, I think better now than I did two years ago, of the ultimate result to the other nations of Europe, and worse of the immediate prospects of our own country. But the glimpse of future sunshine is so faint and so far off, that it scarcely relieves at all the gloom and discomfort of our present circumstances.

Æt. 37.

I have not yet read much of the Review; but in all I have read I am satisfied and pleased with the sentiments expressed on the subject of our relations with France. All those greater politics are within your legitimate province; and you do infinite service to the public by expounding your opinions.

Affectionately yours,

Fra. Horner.

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LETTER CCXXXVI. TO THE MARQUIS OF BUCKINGHAM.

My dear Lord, Lincoln's Inn, 28th April, 1815.

In the course of a conversation which Lord Grenville had the kindness to seek with me some little time ago, for the purpose of stating to me his views of the new conjuncture in which our foreign politics are placed by the late calamitous reverse of affairs, I took that opportunity of requesting that he would have the goodness to mention to your Lordship, that I unfortunately found myself differing, upon the question of peace or immediate war, from the sentiments which I understood were entertained by your Lordship.

I cannot, however, but fear, that by too long a delay in making this communication myself, I may have prevented your Lordship, in your kindness and delicacy towards me, from proposing the new arrangement which such circumstances suggest. The vote of last night upon Whitbread's motion, in which I concurred, brought us in the House of Commons to the crisis of those discussions, which are rendered unavoidable by the present relations of this country; and there seems very little reason now to expect, that any change in those relations can prevent the difference of opinion which exists from being permanently marked to the public, in the daily recurrence of parliamentary questions, in which that difference of opinion must be acted upon in debate as well as votes. As I have hitherto taken no part in them but by my vote, I am very anxious not to leave your Lordship in any uncertainty respecting the extent of my opinions, as evinced by that which I gave last night in support of Whitbread's motion.

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I have never before expressed to your Lordship the sense of grateful obligation which I have felt, and shall ever continue to feel, for your kind and partial distinction of me, in conferring upon me the most valuable of all services. If any conduct of mine could tend to show me worthy of that kind preference by your Lordship, I know it would be in my wish to continue the important trust only so long as I can reconcile the discharge of it to my own ideas, however imperfect they may be, of what is good and safe for the country. Having given notice of two motions, the last of which stands for Thursday next, I am desirous of performing these engagements; after which I shall make every other consideration give way to that of consulting your Lordship's wishes and convenience.

Believe me, my dear Lord, with the most sincere attachment,

Your faithful and obliged
FRA. HORNER.

LETTER CCXXXVII. FROM THE MARQUIS OF BUCKINGHAM.

My dear Sir, Buckingham House, 29th April, 1815.

I do not lose a moment in answering your letter. I was quite sure that the honourable and delicate feelings of your mind would induce you to make the offer which you have done; and Lord Grenville did ample justice to those feelings in detailing to me the conversation to which you advert. In contributing my assistance to your parliamentary objects, I was actuated by a sincere wish to be the means of giving the public the advantage of great talents and pure honourable feelings, in the House of Commons.

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I have derived the warmest satisfaction from the experience of the entire success of that wish, and I shall feel the greatest regret if a continuance of the expression of those honourable feelings on your part should render the carrying into effect of the measure you advert to in your letter necessary for your own satisfaction. I will freely confess to you that I will not relinquish the anxious hope which I entertain, that the present difference of opinion which exists between us upon one subject will not lead to a continued difference in our public line of conduct. I am happy to say that I see many reasons why such a result need not take place. Last night's vote does not in the least weaken those hopes, or change that opinion. Should, contrary to my hopes and expectations, events take that turn which may render such a radical and continued difference of opinion necessary, as may make it irksome to yourself to express those opinions whilst holding your present seat, in that case I will accept the offer so honourably tendered by you now. But assure yourself that I shall do it with the deepest regret, as I look forward to a continuance of a connection between us, so gratifying and so advantageous to myself, with an anxiety which will make me eager to postpone to the last possible moment consistent with your own feelings, the doing any thing, or the accepting any offer, which, though it may prove difference of public opinions, never can diminish the sincere regard with which I am,

My dear Sir,

Yours very faithfully and sincerely,

CHANDOS BUCKINGHAM.

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LETTER CCXXXVIII. TO HIS FATHER.

My dear Sir, London, 3d May, 1815.

I have been prevented by a good deal of business of one kind or another from writing to you at the length I promised, and partly, also, by circumstances remaining still precisely as they stood when I wrote last. I cannot, however, delay showing you, for your own private perusal, the inclosed letters *, which I will beg you to return to me after you have read them. They will explain themselves; and I am sure you will agree with me in thinking, that nothing can be more liberal than Lord Buckingham's manner of seeing this business, or more strictly consonant to the honour that should be the foundation of such a relation as subsists between him and myself. I had a conversation to the same effect with Lord Grenville; and nothing can exceed the satisfaction which I derive from the footing on which this matter is placed. I shall continue acting in my own way, and upon my own opinions, until the event, which I do not now anticipate, of a final separation; and when that takes place, which I shall on every public account, as well as from private regard to those who have treated me with so much kindness, extremely lament, I shall then offer a second time my resignation.

I fancy I made heavy work of it last night. My stings were drawn at the beginning, by hearing that the papers were to be granted.

My kind love to my mother and every body.

Most affectionately yours,

FRA. HORNER.

* A copy of his letter of the 28th April to the Marquis of Buckingham, and his Lordship's answer.—ED.

The allusion towards the end of the preceding letter was to a speech which he had made in the House of Commons the preceding evening, in moving for the production of papers relative to negotiations between Austria and the then king of Naples, Murat, to which the British government had been a party. The motion referred to the same transactions as those to which Mr. Whitbread had called the attention of the House on the 22d and 25th of November preceding, on which occasions Mr. Horner also spoke. (See p. 210.) But this time, Lord Castlereagh, the minister more directly implicated, was present; and Mr. Horner, in a long speech, entered into a detailed history of the proceedings from the commencement of the negotiations.

"It would be for the noble lord to show," he said, "whether the faith of this country, which he had solemnly pledged, had been kept — whether the promises he had made were redeemed. Let Austria, which had, unfortunately for herself, no parliament to inquire into the proceedings of her government, answer for her own conduct; but it was incumbent upon the noble lord to justify the part which the British government had taken in this transaction, chiefly through his agency. It was for the noble lord to show whether, in this instance, the British government had acted upon the just and liberal principles professed in the celebrated Declaration of Frankfort — upon those principles which the allies in their proceedings at Congress, in their views of personal aggrandisement, had so shamefully abandoned. These proceedings, however, would remain for discussion. He did not

1815. Æt. 37. call upon the noble lord to enter into them at present, or to make any disclosure upon the subject which he might deem inexpedient; but he required from the noble lord an explanation of what notoriously took place with respect to Naples."

FACTORY CHILDREN.

Sir Robert Peel* called the attention of the House, on the 6th of June, to the expediency of some legislative enactment to restrict the labour of children in factories, and moved for leave to bring in a bill "to amend and extend an Act made in the 42d year of his present Majesty, for the preservation of the health and morals of apprentices and others employed in cotton and other factories." Mr. Horner supported the motion, and said—

"That the former measures, and even the present Bill, as far as he could understand its object, fell far short of what Parliament should do on the subject. The practice which was so prevalent of apprenticing parish children in distant manufactories, was as repugnant to humanity as any practice which had ever been suffered to exist by the negligence of the legislature. These children were sent often one, two, or three hundred miles from their place of birth, separated for life from all their relations, and deprived of the aid and instruction which, even in their humble and almost destitute situation, they might derive from their friends. The practice was altogether objectionable on this ground, but even more so from the enormous abuses which had existed in it. It had been known

* The father of the present Prime Minister.

that, with a bankrupt's effects, a gang, if he might use the word, of these children had been put up to sale, and were advertised publicly as part of the property. A most atrocious instance had been brought before the Court of King's Bench two years ago, in which a number of these boys, apprenticed by a parish in London to one manufacturer, had been transferred to another, and had been found by some benevolent persons in a state of absolute famine. Another case, still more horrible, had come to his knowledge, while on a committee up-stairs — that not many years ago an agreement had been made between a London parish and a Lancashire manufacturer, by which it was stipulated that, with every twenty sound children, one idiot should be taken. A practice, in which there was a possibility that abuses of this kind might arise, should not be suffered to exist; and now, or in the next session, when the Bill should be discussed, should meet with the most serious consideration." 1815. Æt. 37.

LETTER CCXXXIX. TO FRANCIS JEFFREY, ESQ.

My dear Jeffrey, London, 13th June, 1815.

I had heard of your accident *, but concluded it to be a trifling wound, from Murray making no mention of it. Your epitaph on yourself is the purest specimen of the lapidary style, since the death of Cock Robin. You must really leave off these very youthful adventures; at least do not be doubly indiscreet by aping loyalty as well as boyhood.

I am not going to enter again into the argument of the war. It is a dismal subject to talk of with those whom one agrees with about it; and an irksome one to

* He had been struck in the eye by a firework, on the king's birthday.—ED.

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differ upon. We now understand one another's expectations and wishes; the upshot of a thousand accidents will, a few years hence, decide which was more nearly in the right. But there is one point on which I would rather not be mistaken by you. You have an idea that I entertain more admiration and less of hate for Buonaparte than you feel: you have given me a hint of this more than once, though I do not know from what you can have collected it. I am the more surprised that you should make such a mistake about me in the particular instance, for my notions about him are derived very much from my habitual sentiments respecting such personages and characters. I have no admiration for any military heroes, conceiving it to be the least rare of all the varieties of talent; and I have a constitutional aversion to the whole race of conquerors. I never felt any interest in wars, either reading of them, or looking on in our own days, except on the side of the invaded; and whether they be Greeks or Persians, Russians or French, my wishes have always been in favour of each in their turn, for the success of their defence. You may apply this at the present moment in its fullest force. Buonaparte never had any sympathy or applause from me; besides his belonging to the odious herd of military disturbers of the world, his genius is of so hard a cast, and his style so theatrical, and the magnanimity he shows (which cannot be denied him) is so far from being simple, and is so little softened with moral affections, that I never could find in him any of the elements of heroism, according to my taste. Conceive me to hate Buonaparte as you do, but yet to wish (as I do fervently) for a successful resistance by France to the invasion of the Allies, and you are pretty nearly in possession of all my present politics. Could I make the future to my mind, "sponte meâ *componere curas*,"

I would balance the success of the war upon the frontiers of old France very evenly, and would keep up the struggle for power at Paris, between Napoleon and the constitutional party. For that there is something of a conflict and compromise, at the present moment, between the military chiefs and the partisans of civil liberty, seems undeniable; it may last only for the moment; but it is a glimpse of better days. I feel very happy at the distinction conferred on old Lanjuinias; particularly, if it be true, that Buonaparte wished the presidency to be given to that ruffian Merlin de Douay. Though not occupying a place in the foremost rank, Lanjuinais is found at every crisis of the revolution from the meeting of the states-general; ever moderate, rational, and intrepid. What an enviable old age! to have entered on the struggle for public liberty after fifty, to maintain his consistency through all the horrors and all the disappointments of six-and-twenty years, and when at last there comes another snatch of sunshine, to be honoured with the confidence of every one who thinks France still capable of freedom. 1815. Æt. 37.

My kind compliments to Mrs. Jeffrey.

Ever affectionately yours,

FRA. HORNER.

LETTER CCXL. TO HENRY HALLAM, ESQ.

My dear Hallam, Exeter, Saturday, 22d July, 1815.

I am very much afflicted to hear of Rose* having had so serious an attack upon his feeble constitution. If you hear any farther account of him before I return to town, I wish much to know it.

I thank you very much, and Sir Abraham Elton

* William Stewart Rose, Esq.

1815. Æt. 37. too, for your kind inquiries after my health. It gave me much regret at Bridgwater, that I was forced to be so neglectful of the attentions which I owed him on that occasion. But I was much incommoded then, and have been since I left town, by an attack of a complaint to which I have been subject of late, and which is more an inconvenient illness than a serious one at present. I have been induced to stop here, instead of going with the circuit into Cornwall, in hopes of being made well by a week's repose. I am certainly better already, than I was at Bridgwater.

The event that has most agitated me since I parted from you, is the death of Whitbread, which you mentioned with sentiments that gave me a real pleasure; for I shall ever respect his memory, and with something like affection too, for the large portion of my life which, in a certain sense, I consider as having been passed with him, and for the impression he had made upon me of his being one of the most just, upright, and intrepid of public men. As a statesman, I never regarded him at all; he had no knowledge of men or affairs, to fit him for administration; his education had been very limited, and its defects were not supplied by any experience of real political business: but he must always stand high in the list of that class of public men, the peculiar growth of England and of the House of Commons, who perform great services to their country, and hold a considerable place in the sight of the world, by fearlessly expressing in that assembly the censure that is felt by the public, and by being as it were the organ of that public opinion which, in some measure, keeps our statesmen to their duty. His force of character and ability, seconded by his singular activity, had, in the present absence

of all men of genius and ascendency from the House, given him a pre-eminence, which almost marks the last years of Parliament with the stamp of his peculiar manner. His loss will lead to a change of this: in all points of taste and ornament, and in the skill too and prudence of debate, the change may probably be for the better; but it will be long, before the people and the constitution are supplied in the House of Commons with a tribune of the same vigilance, assiduity, perseverance and courage, as Samuel Whitbread. The manner of his death quite overwhelmed me, I could think of nothing else for days together; nor do I remember, in our own time, another catastrophe so morally impressive, as the instantaneous failure of all that constancy, and rectitude, and inflexibility of mind, which seemed possessions that could be lost only with life; yet all the while there was a speck morbid in the body, which rendered them as precarious as life itself. 1815. Æt. 37.

Pray give me your speculations upon the present state of France, so problematical, so pregnant with future consequences. For you always improve and correct my judgments, even when we differ most widely; though we do not agree about immediate means, nor in some respects about the principles which we like to see in action, the thing we both wish for, in the end, is the same; that well-ordered liberty, which gives the best chance for general tranquillity, and the only chance for national welfare. It is evident the present state of things cannot be lasting; the occupation of such a country as France by foreign troops. They may be kept there long enough to devastate the surface of the territory, and to keep the Bourbons a few years nominally upon the throne. But do you believe it practicable for the

815. Æt. 37. Allies to accomplish the restoration of that family, and then to leave them to carry on the government with French hands and French guards ? or, on the other hand, do you consider it as practicable for the French to be permanently subjugated by the foreign soldiery ? It may be a long while before the peasantry, and the townsmen, betake themselves to assassination in detail; but to that horrible extremity I think it must come at last, if the Prussians and Russians remain. The geography of France is not very advantageous for *guerillas*, but there are other advantages in the habits of the people, from their discipline and docility. Depraved as the French are, the reaction of French patriotism will be dreadful and resistless. And I must own that my wishes are decidedly for the deliverance of that country, by the exertions of its own people, from the conquest of their invaders. I am conscious that I can honestly and purely cherish this wish, without abating a jot of that wholesome distrust of France which we must always keep up, as our enemy in Europe ; but along with this distrust, I retain also so much of the notions of the old school, as to feel persuaded that France, as a separate country, is an essential member of the European system. But how idle it is to speculate, when the fate of the world is in the hands of Metternich and Castlereagh.

I hope Mrs. Hallam is now quite recovered, and that the children are in great vigour. Let me hear from you very soon.

Truly yours,
FRA. HORNER.

LETTER CCXLI. FROM HENRY HALLAM, ESQ.

My dear Horner, Stamp Office, 26th July, 1815.

Since I last wrote to you, I have seen Mrs. Spencer two or three times, and think she is better

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than I expected to find. The long continuance of her illness is certainly alarming, but I wish to hope that she may finally weather it. I have heard more of Rose since I wrote to you last. The accounts are certainly as favourable as could well be hoped; and his family entertain a hope, on the authority of his physician, that the seizure has not been paralytic. However this may prove, I hope it has not proceeded from constitutional failure.

It is very difficult to form any speculations upon the state of affairs in France. I never remember any political crisis where there was so little to guide our anticipations. It is a very thick fog indeed. What can be more wonderful, than that the actual capture of Buonaparte, an event beyond all calculation, and which seemed the consummation of the present contest, should not raise our stocks, and hardly our spirits? The real difficulties arising out of this extraordinary crisis are not much *applanis* by possessing his person; though it is certainly an important event, if it were only as it simplifies the course we ought to pursue.

It is always with diffidence, as well as with regret, that I differ from you, as we sometimes do differ, in my political theories; and I should feel this sentiment still more strongly, if I did not think that our disagreement was generally more owing to different opinions as to matters of fact, than to any thing incompatible in the bases we should adopt. You only do me justice in supposing that we are united in desiring the prevalence of well-ordered liberty. I am sure that I have no jealousy of this liberty in France, nor any undue prejudice against that people. On the contrary, from the circumstance of my reading having lain a good deal in French history and literature, I

1815. Æt. 37. have acquired a sort of partiality to them, which makes me ready to forgive their great national faults. But I certainly have formed an opinion, that France has a better chance for tranquillity and permanence of government, and consequently for liberty, which never survives a series of incessant revolutions, under the Bourbon dynasty, than under any other dominion, which, in her present circumstances, was likely to arise. The strong and general desire for a liberal government, and aversion to the ancient absolute monarchy, made it, in my judgment, very unlikely that the court of Louis XVIII. or his successors could, for many years to come, materially infringe upon those privileges, which, as conceded in the charter of 1814, appeared to be sufficiently ample for the public welfare; and I saw a great advantage in adhering to the ancient family, and, as far as possible, to the ancient denominations and forms. As, in England, at the Revolution, it was absolutely necessary for our liberties to change the reigning family, because the national prejudices ran very strongly towards passive obedience and hereditary right; so I think it equally necessary, for the sake of permanent established government, and, consequently, of liberty in France, to preserve the hereditary title of her sovereign, because all those principles and sentiments which tend to the maintenance of actual establishments require to be strengthened. The moral securities of government are strict religious principles of obligation, sober and steady habits in domestic life, and the point of honour in keeping promises. All these are miserably weak in France; and I see no means so likely to restore them, as the habit of paying obedience to government as legitimate, and even as prescriptive. Though the prejudices of one party, and the adulatory spirit of the people, may

sometimes occasion a language to be spoken, repugnant to our Whig principles, yet, as France is, and must be, there would be, I think, little or no probability of an absolute power being established in the person of a Bourbon. 1815. Æt. 37.

These were my reasonings in last spring. What France may think, is quite another question. I have not space to enter on the vast topic before us. But I concur with you (though we stand nearly alone) in deprecating the dismemberment of that country; not only from its ultimate effects on Europe, but as the certain spring of new and more dreadful struggles. I do not much expect that any such event will happen. Russia, I now hear, and always expected, is taking a mediatorial line. She could gain nothing, except by arrangements on the side of Poland, to which the other two powers would hardly consent, for the sake of precarious acquisitions in Alsace. We go to-morrow to East Bourne. Let me hear from you there.

Faithfully yours,

HENRY HALLAM.

LETTER CCXLII. TO HIS MOTHER.

My dear Mother, Bridgwater, 29th July, 1815.

I have received all your kind letters of anxiety and reproach about my not writing, but before I got the first of them, two were already dispatched from me, one of which was written the very hour I heard from you, after *your* long silence.

I was within a very few miles, at Exeter, of Buonaparte in Torbay; a number of people went down to get a glimpse of him, and all the worthies of Torquay, and the other watering-places, went out in shoals. Nobody was allowed to go on board; but they were happy to row round the ship at a little

1815. Æt. 37. ..distance, and catch a sight of him as he walked the quarter-deck. How little did we dream of the possibility of such a change, when we were at Torquay; he was then in the midst of his plans and preparations for the invasion of Russia, the most wonderful of all his exploits after all, though it led directly to his fall. The only thing worth noticing of what I have heard respecting his behaviour on board the Bellerophon is, that he never made any allusion to political events.

You will believe I am much pleased with your accounts of Whitehouse*, and Anne and the children, and the happy time you and my father have been spending with them. You cannot be too minute or too frequent in such accounts, when you have leisure to report them to me at full length.

I was in hopes when I began this letter that I should have time to write to Fanny at least, if not to others of the family, to all of whom I am in debt. But I must still put off payment, for I have some work to do. By way of compensation and a great deal more, I will enclose for you and them a letter to peruse, which *you* will particularly like, as it is full of *horrors;* it is from Charles Bell, giving me some account of his visit to Brussels, where he had the spirit to go for professional instruction, among the wounded, after the battle of Waterloo. It is written with great feeling, and with much genius, too, for observation, under the most overwhelming circumstances. Send it to me again with great care, for I should be sorry to lose it. My kind remembrances to my father and *the whole tot.*

Ever most affectionately yours,

FRA. HORNER.

* My own residence near Edinburgh, to which I had recently removed from London. — ED.

1815.

LETTER CCXLIII. FROM CHARLES BELL, ESQ.* ÆT. 37.

My dear Horner, July, 1815.

I write this to you, after being some days at home, engaged in my usual occupations, and consequently disenchanted of the horrors of the battle of Waterloo. I feel relief in this, for certainly if I had written to you from Brussels, I should have appeared very extravagant. An absolute revolution took place in my economy, body and soul; so that I who am known to require eight hours sleep, found first three hours, and then one hour and a half sufficient, after days of the most painful excitement and bodily exertion.

After I had been five days engaged with the prosecution of my object, I found that the best cases, that is, the most horrid wounds left totally without assistance, were to be found in the hospital of the French wounded. This hospital was only forming; they were even then bringing these poor creatures in from the woods. It is impossible to convey to you the picture of human misery continually before my eyes. What was heartrending in the day, was intolerable at night; and I rose and wrote, at four o'clock in the morning, to the chief surgeon Gunning, offering to perform the necessary operations upon the French. At six o'clock I took the knife in my hand, and continued incessantly at work till seven in the evening; and so the second day, and again the third day.

All the decencies of performing surgical operations were soon neglected: while I amputated one man's thigh, there lay at one time thirteen, all beseeching to

* The late eminent anatomist, Sir Charles Bell.

1815. Æt. 37. be taken next; one full of entreaty, one calling upon me to remember my promise to take him, another execrating. It was a strange thing to feel my clothes stiff with blood, and my arms powerless with the exertion of using the knife; and more extraordinary still, to find my mind calm amidst such variety of suffering; but to give one of these objects access to your feelings was to allow yourself to be unmanned for the performance of a duty. It was less painful to look upon the whole, than to contemplate one object.

When I first went round the wards of the wounded prisoners, my sensations were very extraordinary. We had every where heard of the manner in which these men had fought — nothing could surpass their devotedness. In a long ward, containing fifty, there was no expression of suffering, no one spoke to his neighbour. There was a resentful, sullen rigidness of face, a fierceness in their dark eyes, as they lay half-covered in the sheets.

Sunday. — I was interrupted, and now I perceive I was falling into the mistake of attempting to convey to you the feelings which took possession of me, amidst the miseries of Brussels. After being eight days among the wounded, I visited the field of battle. The view of the field, the gallant stories, the charges, the individual instances of enterprise and valour, recalled me to the sense which the world has of victory and Waterloo. But this was transient, a gloomy uncomfortable view of human nature is the inevitable consequence of looking upon the whole as I did — as I was forced to do.

It is a misfortune to have our sentiments so at variance with the universal sentiment. But there must ever be associated with the honours of Waterloo, to my eyes, the most shocking signs of woe; to my

ear, accents of entreaty; outcry from the manly breast, interrupted forcible expressions of the dying, and *noisome smells*. I must show you my note books, for as I took my notes of cases generally by sketching the object of our remarks, it may convey an excuse for this excess of *sentiment*. 1815. Æt. 38.

Faithfully yours,

C. Bell.

Letter CCXLIV. TO HIS SISTER, MISS HORNER.

My dear Fanny, Bowood, 26th Oct. 1815.

I told you I was reading Don Roderick the Goth; and notwithstanding the romance of the original story, it was with fatigue that I got through it. I am not surprised that the book has had a run, because there *is* a romantic story, and because it is seasoned with methodistical cant to the taste of the times; but that the work should be commended by any person of cultivated taste, as it has been, seems to me strange. With the exception of a few passages of mere description, I found none containing much poetry; and such as there is, little more than a string of the images and expressions that are familiar to every reader of the poets.

I found lying here a new tragedy with the title of *Fazio*, written by Mr. Milman, son of the London physician. It is worth your reading. Though full of great and obvious faults, they are those of a young writer, who has not studied the decorums and contrivances of his art; and in spite of them the composition affects you strongly, which is the one thing needful: there is a power of writing, and still more a depth of feeling, which with good discipline may make him a great dramatic writer. I hope he will receive en-

1815. Æt. 38. couragement from the reviews. He is said to have offered this play to Miss O'Neil for her benefit, and there is a character in it that would have suited her; but she said very sensibly, that she did not feel herself sufficiently established with the audience, to venture upon a new piece. In its present state, I do not imagine it would have success upon the stage. Sneyd Edgeworth, whom you remember in London, has published memoirs of the Abbé Edgeworth, the confessor of Madame Elizabeth, who attended Louis XVI. in his last moments. A short narrative by the Abbé himself of what passed at the Temple, and still more a letter upon that subject, and upon his own escapes, addressed to a brother in Ireland, are written with a simplicity and truth of manner that is interesting and delightful.

The Romillys are expected at home this week. They have been as far as Genoa, and Dumont accompanied them. His spectacles were swept away by an Alpine torrent in the Bochetta.

Ever yours affectionately,

FRA. HORNER.

LETTER CCXLV. TO HIS SISTER, MISS HORNER.

My dear Fanny, London, 22d. Nov. 1815.

I met the Chevalier Canova a second time at Holland House a few days ago; and it was indeed a most agreeable day. The other artists we had to meet him were Wilkie and Westmacott, but he was himself the only person that any body thought of. He talked a great deal, partly in French, which he pronounces very ill, partly in Italian, which I am told he speaks also as a provincial, for he is a native of Venice, but always with animation, spirit, and cheerful-

ness. I told you of his looks; a fine forehead, with sunk mild eyes; his manners are simple and easy, perfectly in the tone of good company. His brother is with him, the Abate Canova, a man of learning and classical attainments; they live constantly together, and their habit is, that the Abbé reads to Canova, while he is at work with his chisel, out of some Italian classic, or translation of the ancients. This sounds very amiably and like complete friendship. 1815. Æt. 38.

He was naturally led to talk of Napoleon, and he was pressed to tell us something of those scenes of familiar intercourse which that personage usually permitted himself to indulge in with Italians, though never with Frenchmen, and which he was known to permit especially with Canova. He told us that Napoleon conversed with him in the Venetian dialect, which he was fond of, a circumstance which of itself would render their conversation more equal and familiar, and was probably so intended. He urged him to settle at Paris, but this he declined, saying, he should die of cold in less than a year. I have heard that he added another reason, that he was not qualified to vie with the Parisian artists as a courtier; but this he did not repeat to us.

The new expedition for the Niger, which sailed lately, is fitted out in a very liberal style: Government has only been stingy upon one point, the allowance to be held out to the black soldiers who accompany the expedition, as their reward for returning back to Sierra Leone. This is the very point on which the success of the travellers may depend, and I fear the allowances are not large enough to prevail over the strong inclination those blacks will have to remain in their own country when they reach it. The stock of articles laid in for the traffic of the travellers, and for

1815. Æt. 38. presents, has cost twenty thousand pounds; it is curious that the most expensive article is coral, of which they have taken four thousand pounds worth, and two thousand pounds worth of amber. If I can finish some business to-morrow, in which I am engaged, I mean to accompany Whishaw on a visit for a couple of days to Sir James Mackintosh: he lives near Aylesbury, and is deep, I hear, in historical composition. I shall write to my mother very soon; my kind love to them all.

Very affectionately yours,

FRA. HORNER.

LETTER CCXLVI. TO J. A. MURRAY, ESQ.

My dear Murray, Woburn Abbey, 28th Nov. 1815.

We have fallen into our bad habit of last year again, of not writing as we used to do, and ought to do. If we do not take care, it will become inveterate. This time it has come on my side, from not having found the Culloden papers at Bowood, and so losing that opportunity of writing to you about them from thence; and afterwards fancying I should be able, when I returned to town, to steal time enough from the term for reading them. By this time, I hope you have printed your account of them.

I am impatient to see the Review for another reason, to know what Jeffrey's speculations are about France; for he seems to have given different persons in London, with whom he talked about them, the most contradictory impressions of his opinions. His ingenious powers of diversifying the views of a great subject are a copious source of instruction to those who submit to the duller task of patiently forming a judgment, that is to remain upon their minds;

and the assistance which one derives from his inventions and reasonings is always accompanied with a delightful confidence, at least upon serious and great occasions, that his sentiments, however transient they may prove, are honest and conscientious at the time. For, though Jeffrey often trifles with a subject expressly, and often argues for exhibition, he never leaves me in doubt, when he means to do so, and when he is for the time in earnest. I am therefore very impatient to see what he has to say about France; for as the new state of affairs in that unhappy country, and our deep participation in them, must be a constant meditation in every reflecting and feeling mind, so I conclude from the opinions he held about the war in May last, that I am not likely to find him judging of these matters at present in the light in which I see them. 1815. Æt. 38.

It was a very painful circumstance in my last visit to Scotland, from the little politics I talked with any body, to find myself so far asunder from my best friends in our views of foreign affairs. To me, it is losing the chief relish of life not to feel alike with them upon things which make us all feel strongly. And I have laid nothing so much to heart for many years as the difference which I imagine exists among us, respecting the nature and character of the present crisis of European politics. All the opinions which I have ever cherished seem on this occasion concentrated, and all the principles which have been gaining strength and confirmation in my mind every year of my life, seem put in peril at once. It is a question, whether all the good fruits of the French Revolution, dearly and cruelly as they have been earned, are to be lost to France; and whether it is not to be settled in the instance of that country, that the greatest and

1815. Æt. 38. most civilised people may, by the confederacy of courts and the alliance of armies, be subjected to the government of a family whom they despise and detest. It is a question whether the very first principle of slavery, that the people are the property of certain royal families, is not to be established as a fundamental maxim in the system of Europe; and whether the vital principle of our English liberty and our revolution is not to be antiquated as a Jacobinical heresy by the force of English arms. The degradation of our army in being the main instrument of this warfare against freedom and civilisation, the stain upon the national name in making so ungenerous a use of our triumph over our rival in arms, our keeping the *police* of Paris to protect the Bourbons, while they are murdering with judicial forms those who tried the fortune of war with us, and to whom we in words, and they by fact and deed, gave warrant of an amnesty; these are incidental subjects of grief and shame, which embitter the pain with which one contemplates the course of events, and which will leave wounds upon our honour, even if the future struggle should take a favourable turn; but the struggle to which I look, is, that of the French people against the Bourbons and against the confederate sovereigns. And the most anxious and the most depressing reflection that perpetually recurs upon me, is the conviction, that for the success of this great contest, the principles of liberty must rely for their principal support upon the enlightened men of England, while most of these are not yet awakened to a sense of what is doing, and of what the consequences will inevitably be.

You will think me very serious; but I cannot write otherwise to you on these matters, if I write at all;

for there is no day that is not saddened by every thing I read and hear. 1815. Æt. 38.

Yours ever affectionately,

FRA. HORNER.

LETTER CCXLVII. TO THOMAS THOMSON, ESQ.

My dear Thomson, Woburn Abbey, 29th Nov. 1815.

I have never had the grace to write you my thanks for your magnificent present of the Acts and Register, which I found in my library upon my return from Scotland. They are very handsome books, and I prize your gift very highly.

I wish you would write now and then, were it only to keep me in the knowledge of the sentiments and impressions which are produced in you by these dreadful events of our time. I never feel comfortable, when any of these turns of public affairs take place, till I know the opinions of about half a dozen friends in different parts of the world. This treaty of peace, as it is called, and the novel engagements which our government has imposed upon us, form a crisis in the policy of England and Europe, which will bring to the test both the principles of men and their nerves. I anticipate, at no great distance of time, a much more violent difference in political sentiments than we have experienced since the peace of Amiens; and as far as I have yet been able to judge, though my means of information are very limited, I expect that in the country (whatever there may be in parliament) there will be but a small minority who will see things in what I consider the true light, unless some reverses of fortune or some disasters reaching ourselves, correct the public feeling. I say *correct*, for it is the illusion of military success that seems to have blinded many,

1815.... Æt. 38. who used to be guided in their judgments of foreign politics by some regard to justice and to the cause of liberty.

I have made out the history of those supplementary stanzas in Collins's Ode on the Superstitions of the Highlands, which puzzled us. They are a mere fabrication. Mackintosh, who told me the story, would not mention the man's name; but it was a very low northern littérateur, who, about five and twenty years ago, published at Cadell's shop a new edition of that ode, as from another manuscript, with all the blanks and vacancies supplied. The additions were one and all a forgery of his own, of which he boasted to Mackintosh. The man is dead. This piece of literary history ought to be made known; for the forgery has not only crept into the edition of Collins which I shewed you, and that is part of a general collection, but also into the large body of the English poets published by Chalmers.

I met lately with two volumes of Travels in France published at Edinburgh, which the bookseller told me was the work of one of the young Alisons. I found upon the perusal, that the two volumes were the production of different hands. In the volume by Alison, there is much very interesting matter, a great deal of heart and liberal sentiment, some occasional power of expression, and all through a settled regularity of copious and elegant composition, very Scotch in the cast and all the thinking of it; but very good, for all that, upon the whole. You must let me know which of the Alisons it is, the Doctor, or the Advocate*; there is great promise in this first per-

* I am informed that both contributed to the second volume, Dr. W. P. Alison and Archibald Alison, Esq., the author of the "History of Europe from 1789 to 1815."—Ed.

formance; and though there are a hundred points, on which I should be inclined to think the author rather less liberal than he ought to be about France, it is the work of a man whose sentiments cannot be long or much deficient in refinement or elevation. If I am not mistaken, I could put my finger on some passages of a diffuse and mystical elegance, more remarkable for unction than strength, which I would ascribe to the father. 1815. Æt. 38.

I have got a copy of the life of Tennant* for you, which I shall send with some books that are to be dispatched in a few days for Charlotte Square. Whishaw has not quite rejected my proposal, that he should publish it with his name. But he is at present engaged with another object, which has grown out of that, in consequence of receiving some papers of Brown, the traveller, which, upon his death, were transmitted home from Smyrna, to poor Tennant's care.

I paid a visit lately, in company with Whishaw, to Mackintosh, at Weedon in the vale of Aylesbury; the ugliest country perhaps in England. But he is living comfortably, and I should think very happily; free from the hectic fever of London idleness, and working just enough to keep him in regular spirits. He told me, he expected before the meeting of parliament in February, to have nearly finished the reign of King William; but it rather surprised me, when he added, that this would not form more than between a fourth and a third of his first volume.

My dear Thomson,

Affectionately yours,

FRA. HORNER.

* Smithson Tennant, Esq., F.R.S.

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Æt. 38.

LETTER CCXLVIII. TO THOMAS THOMSON, ESQ.

My dear Thomson, Temple, 2d Dec. 1815.

I have again to thank you for your kind bounty to me, and I shall not be content to place your *Jewel Book** upon the shelf, till I have looked into it for some of the curious matter. I wish, however, you would resolve to use your own materials. Not that I would not have you do all you are doing now, in the way of publishing these original documents. But then I would have you, besides, form some piece of history or dissertation for general readers, in which the antiquities you are daily extracting might be placed in such philosophical and useful points of view, as would give them a permanent value and interest. The early History of Scotland has never been *written* at all; I mean Pinkerton's period; yet it is a very instructive portion of the general history of laws and manners, and not altogether deficient in the characters or dramatic events that best exhibit manners, by showing them in action. The Scottish annals are thrown upon a scenery so marked, and so abound in peculiar details, that they would afford many subjects for an artist who could work in the strongest relief.

Political matters are worse since I wrote my last letter. The treaty, of anti-jacobin confederacy, has not only realised all the apprehensions which filled me then, but avows audaciously the design of suppressing by royal combination all attempts in all countries to improve their political institutions. Translate their phrases, and you have their avowal of

* A Collection of Inventories and other Records of the Royal Wardrobe and Jewel House, and of the Artillery and Munition in some of the Royal Castles, 1488—1606.

all this in plain terms. And to show you how far these sovereigns are disposed to carry their practical application of the principle, the Emperor of Russia said at Paris to a man whom I know (an Englishman), that, from the symptoms that appeared in the Prussian army, he did not know but he should very soon have to perform the same service for his brother of Prussia, at Berlin, which he had already rendered to Louis in France. 1815. Æt. 38.

Will the general sentiment and feeling of this country be in favour of such a treaty? I believe it will be found so, unless we have to pay for enforcing it.

Yours affectionately,
FRA. HORNER.

I shall be glad to hear all that you have leisure to tell me about the Jury Court.

LETTER CCXLIX. TO DUGALD BANNATYNE, ESQ. GLASGOW.

My dear Sir, Temple, 4th Dec. 1815.

I had rather indulged myself with the expectation of receiving a letter from you, on the subject of that very remarkable traffic in books round Glasgow by itinerant retailers with which you interested me so much. You thought it likely that you might have an opportunity of verifying the curious account which had been given you, and of collecting further details. If you have been successful, I shall feel quite obliged to you for some communication of the particulars. There is nothing in the interior economy of our own country so important to know, as the progress of instruction among the

1815. Æt. 38. industrious classes. It is especially so in the new turn which political affairs have taken, for the present, on the continent of Europe. For I know of no protection for us against the designs which the confederated kings have now plainly avowed, of resisting, by a standing combination among themselves, every movement that tends to the reformation of abuses or the extension of liberty, except that which may be found in the effects of knowledge steadily and solidly diffused through the great body of the people.

I feel considerable curiosity to know what impression has been produced, upon the thinking and active population of your great town, by the recent proceedings at Paris; especially by the breach of the amnesty, by the employment of our troops in the most odious services for the Bourbons, and by this treaty of alliance against revolutionary principles. There were times when such transactions would have raised a cry of indignation in England: as yet I have not perceived any expression of correct feeling. I should expect to find in Glasgow as early an indication as any where of just and manly sentiments, on so great and so new an occasion.

I beg you will offer my best compliments to Mrs. Bannatyne,

And believe me, my dear Sir,

Very sincerely yours,

FRA. HORNER.

LETTER CCL. FROM LORD GRENVILLE.

My dear Sir, Camelford House, 6th Dec. 1815.

Having been called to town for a few days, I found on my table the copy of Professor Stewart's Dissertation. I read it with the eagerness which the

subject and his name would naturally create, and I have received from it a degree of delight and instruction, such as few books indeed have ever afforded to me. 1815. Æt. 38.

It was not till last night that your letter followed me up from the country, and informed me to whom I was indebted for so valuable a present; and this must be my apology for not having sooner thanked you for it. With all my admiration of it, I do not acquiesce in all he says here and elsewhere of Oxford. It may be the effect of prejudice, but I confidently believe that he thinks of our institutions and studies there, less favourably than we deserve, and than he would himself think of us if he were better acquainted with the facts. He has also brought against us a charge, that of expelling Locke, which certainly is not historically true, and I believe I shall be tempted to trouble him, through you (if you will allow it) with a very short note to place that transaction in what I conceive to be its true light. Not that any of us is much concerned to vindicate what our predecessors did a century and a half ago, but because historical truth is valuable, even as to the minutest facts, and still more so when it concerns the conduct of public bodies.*

When I got your letter, I was on the point of writing to you, to express how happy you would make us if you could contrive to pass any part, the longer the better, of your Christmas holidays at Dropmore.

Ever, my dear Sir, most truly yours,

GRENVILLE.

* Lord Grenville published in 1829 (Murray), a tract entitled "Oxford and Locke," in which he vindicates the University from what he terms "groundless aspersions." It contains a letter to Mr. Horner, dated 14th December, 1815, which was communicated to Mr. Stewart, and Mr. Stewart's reply. — ED.

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LETTER CCLI. FROM LORD GRENVILLE.

My dear Sir, Dropmore, 10th Dec. 1815.

The time you mention will be perfectly convenient for our having the pleasure of seeing you here. Since I have returned here, I have entered upon a second and more deliberate reading of Stewart's Dissertation. I am afraid you will not think very highly of my judgment in selecting for observation, amidst such a mass of the most valuable matter, a slight and incidental reference to an almost forgotten anecdote. But something must be allowed for local attachment, and I have no doubt of satisfying you when I see you, that the act in question was in no respect (what Stewart represents it) the act of the University, but, solely and exclusively, the act of that profligate and ambitious court whom Locke had offended by his attachment to Lord Shaftesbury. It is in that light that Fox represents it, drawing from it its proper historical inference, that of the insecurity even of the most obscure stations, under the tyranny of such a government.

Ever most truly yours,

GRENVILLE.

LETTER CCLII. TO HIS SISTER, MISS ANNE HORNER.

My dear Nancy, London, 15th Dec. 1815.

For the last week I have been reading, over and over again, Mr. Stewart's new Dissertation, which refreshes me like a delicious repast, in having one's attention called to it from dull law and gloomy politics. It is, perhaps, the most pleasing of all his compositions; and, from what I have heard, is likely

to become the most popular. It has the greatest of all charms, in common with all his writings, an uniform tone of high and pure sentiment; and as they all tend to inspire a confidence that, in spite of bad governments and of the mistakes committed by those who oppose them, knowledge and justice at last make their way. The perusal of a work which abounds in so many elegant illustrations of this hope, is peculiarly calculated to cheer and relieve one's mind, at a time when the best governments have been seduced into a league against liberty, and many of her most watchful friends have been lulled into a dream of security. It required something to comfort me, when I found the Edinburgh Review dreaming like the rest. 1815. Æt. 38.

There are one or two admirable pages of an article about Carnot, which ought to have roused Jeffrey; but old Simond has given him an opiate which lulls him fast. Constable told me yesterday, he has sold the whole edition, amounting to 7000, of his first vol. of the Supplement to the Encyclopædia, and that he means to print 3500 more of the next number. My kind love to every body.

Very affectionately yours,

FRA. HORNER.

LETTER CCLIII. TO THE DUKE OF SOMERSET.

My dear Lord Duke, Temple, 16th Dec. 1815.

I hope you have by this time read Dugald Stewart's preliminary Discourse to the new Supplement, published at Edinburgh, to the Encyclopædia Britannica; because it must have afforded you much pleasure, from the magnificent survey which he takes of the history of human knowledge in

1815. Æt. 38. several of its most important branches, and from the splendid eloquence and choice details with which he has rendered attractive and interesting even the progress of metaphysical doctrines. It seems to me written in a freer spirit of criticism and more copiously ornamented than any of his former compositions; yet the ornaments are not excessive, but give the work a character of majesty and richness quite appropriate to the height of his subject. The work has still another charm for me, borrowed from the times in which it has made its appearance. It is the tendency of all Stewart's writings to impart to his reader a sanguine belief in the real progress which practical knowledge and human improvement are steadily, even when most imperceptibly, making, through all the political troubles and all the philosophical follies which at particular periods seem to throw every thing back into its original disorder and ignorance. In none of his former treatises, had he so direct an opportunity of proving and illustrating this pleasing opinion. And I have been seduced, perhaps, by his eloquence, but by what I feel at present like unanswerable arguments, to apply even to the dismal prospects of our own days that confidence in the ultimate prevalence of truth and liberty, which he extracts from the struggles of the Protestant Reformation, and from the whole subsequent history both of opinions and of legislation in Europe. If this should prove an idle hope, at least it ministers some present relief; and if all these promises about the future are visionary, I for one would not forego the luxury of dreaming now and then, and escaping for a while from the realities of the age in which we live.

I had the pleasure of receiving the Duchess's

obliging and agreeable letter from Bowood; and will write to her Grace very soon. 1816. Æt. 38.

Believe me ever,

Your Grace's faithful Servant,

FRA. HORNER.

LETTER CCLIV. TO HIS MOTHER.

My dearest Mother, Woburn Abbey, New Year's Day, 1816.

I wish you many, many happy returns of this day, and the same to my father and all in Charlotte Square and at White House. I got your Christmas letter before I left town, and took it very kind of you to remember me. I came here on Saturday, and shall go to Dropmore on Wednesday, from that to sessions.

We have had no winter yet, no snow; now and then a little frost only. This is as fine a day as I ever remember, more like October than the present season; I am just returned from a ride with Mr. Fazakerley* through part of this magnificent park, and the adjoining farms. He is a very agreeable man, and has travelled more than any body of his age, having been, like the Spectator, to Grand Cairo, to take the measure of a pyramid; besides living a great deal in Spain and Italy, he was of the party some years ago that visited the Grecian Islands and spent a winter at Athens. With all this, he has excellent and moderate opinions in politics, such as become the descendant of a Whig lawyer. We have had as yet but a small party; Lord and Lady Tavistock, William Adam, and an old clergyman of the name of Cartwright (brother of the visionary Major), who, in his younger days, wrote two fine stanzas in a ballad that begins with, "A hermit on the banks of Trent."

* I. N. Fazakerley, Esq., M.P.

1816. Æt. 38. ..The party is to be reinforced to-day with some grandees.

I was much affected with your account of poor aunt Cowan's decease. It was leaving the world as easily as possible, and in a way that was a reward for a life so long and so blameless. I have never seen, in any other instance, so much innocence and contentment. God bless you.

Ever affectionately yours,

FRA. HORNER.

LETTER CCLV. TO J. A. MURRAY, ESQ.

My dear Murray, Great Russell Street, 18th Jan. 1816.

I am not surprised you should tremble, in these times, for any man who has gone largely into speculations for the improvement of land; and, as far as my knowledge of him enables me to form a judgment, I should agree with you in thinking your friend not the most likely to be wary and cool in such speculations. But what has happened lately must bring the most sanguine to their senses. It requires but a superficial observation of what is passing to be convinced, that, independent of the check which all eager enterprise in the employment of capital must occasionally meet with from its own excess, there was for some time an artificial state of prices and credit in this country, which (even if it could be revived once more for a little while) cannot be much longer maintained; and that our unexampled wars have made an encroachment upon the substantial wealth of the whole body of the people, which could not fail at last to become visible to the dullest eye, and be felt everywhere. The distress, as a national one, will soon, I believe, pass off, except in what regards the finances of the govern-

ment; because the real wealth that is accumulated and remains is immense, and is shifted and applied with a promptitude and confidence never known among any other people. But the present crisis must be felt severely by individuals, and, as in the progress of our artificial opulence, there was much derangement of property, and many a sudden as well as unjust transfer, something of the same sort is to be expected while things are falling back towards a more natural state. I believe it to be very fortunate for us, that they have been forced back so soon, and in a manner which, to me at least, was wholly unlooked for. For, if I am not wrong in my way of seeing it, it is the very prosperity and improvement of the country in its first of all branches, the agricultural, which has wrought the sharp but sure remedy for all the errors of our policy. What I mean is this. The great exertions made in husbandry have at length given us so large an annual produce, that for three successive years (no one of which has been very remarkably fine) we have had some surplus of our own growth. That surplus, in the comparative state of our prices and those abroad, could not be sold to any foreign consumer. The smallest surplus, it is well known, if thrown back upon the market and kept there, may depress it almost indefinitely. The great fall of prices we have experienced brought a very sudden embarrassment upon the farmers and proprietors. This not only alarmed all the reasonable bankers in the provinces, but actually withdrew great part of the foundation upon which both the reasonable and the foolish bankers had so long maintained their large issues of country paper. By far the greatest banker in the west of England told me the other day, that their circulation was not now much more than a fourth of what it had been.

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1816... Æt. 38. The reduction in the quantity of money has been followed by a fall in the nominal price of the precious metals, an improvement of all the exchanges, a fall in the wages of labour, and one after another of various commodities, some being reached much sooner than others. Here then we arrive at a point, at which matters begin to take a favourable turn; the low money price which the grower gets for his corn, being already a better price in reality than the same money price would have been, while money was more abundant. Unfortunately things cannot go quite round, at least not smoothly. The public debt that was contracted while the money was abundant and low priced, and the taxes that must continue to be raised to pay the interest of that debt, will still make our expenses of cultivation so high, that we cannot grow corn for the price of the foreign market; so that it would seem that, as long as the expenses of cultivation are kept up to that rate, we must, in order to secure our farmers a fair price, grow less than we actually can consume ourselves. Tell me, how many blunders there are in this deduction,—of course, I have stated it but roughly. I need not add, that the only practical measure to which I can look, as holding out any promise of easing the present suffering, would be such a reduction of establishments, as would render it practicable for the government, without violating any of its engagements to the public creditor, to remove a large proportion of the taxes that press most directly and heavily upon the capital employed in cultivation.

Ever affectionately yours,

FRA. HORNER.

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LETTER CCLVI. TO HIS SISTER, MISS ANNE HORNER. ÆT. 38.

My dear Nancy, London, 29th Jan. 1816.

I have several of your kind letters to acknowledge, which always give me a very real pleasure. I believe I have never told you how much pleased I was to find you had read Mr. Stewart's Dissertation, and with so true a taste of what forms its chief excellence. I entirely agree with you that the high and uniform tone of the purest and noblest morality, which breathes through the whole composition, is its principal charm, as it is that which distinguishes Mr. Stewart's writings, even more than his unrivalled beauty of style, from all the other works of the present day. It is like going into another climate, to pass to the serene and great prospects which he gives to the eye, and over which he spreads so many beauties of detail and so much sentiment, from the factious fever or flippant ingenuity which are so much the mode among his contemporaries.

After having made this experiment, I think you need not be deterred by the titles of his other books, from dipping at least into some parts of them. I will propose to you particular portions; if you will go through them in the order in which I set them down, I think you will derive both gratification and improvement from them.

In the first vol. of the Philosophy of the Mind: —

1. The chapter on Memory.
2. That on Imagination.
3. Part Second of the chapter on Associations, where he treats of its influence on the intellectual and active powers.

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4. The two Essays on Taste, and the culture of habits connected with it.
5. Essay on the Beautiful.
In the second vol. of the Philosophy —
6. The last hundred pages.

You will not find any of this, at least very little of it, "above your comprehension;" in all that he writes about the improvement and cultivation of taste, you will find perpetual opportunities to apply his remarks to a variety of subjects and pursuits, which have more or less occupied you for some years past. You must know I told Mrs. Stewart you had ventured into the Dissertation, and I mentioned to her the particular delight you found in the moral impressions you received from it. She told me, Mr. Stewart was flattered by your remark; he said, that these are the invaluable praises, from a simple heart and unspoiled taste; and that an author is sure he is right, when such readers are satisfied. Good night, my dear Nancy; as it is not likely I shall have any thing to add on Monday, I will at once finish my epistle.

Affectionately yours, FRA. HORNER.

LETTER CCLVII. TO THE DUCHESS OF SOMERSET.

Dear Duchess of Somerset, London, 29th Jan. 1816.

From all I can hear, there is no chance of a division in the House of Lords the first day. The first important debate there will probably be upon the Treaties, after they have been laid by the Crown before Parliament; and it can hardly take much less than a fortnight to read and consider them. Lord Grenville will bring forward, I expect, a specific question upon the violation of the constitution, of

which he thinks the Ministers have been guilty, in not asking the sanction of Parliament to their treaty of peace, before they proceeded in execution of it, particularly with so new a stipulation contained in it, as the maintenance of an English army in France during peace. But he will of course give ample notice of this motion, which is, no doubt, one of high importance. 1816. Æt. 38.

I fear we are not likely to go on long very harmoniously in opposition; there are such wide and irreconcileable differences of opinion, between those who, on the one hand, will hear of nothing but a return to all that was undone by the French revolution, and who, in the present moment of success, declare views of that sort which they never avowed to the same extent before, and those who, on the other hand, think that the French people have some right to make and mend their government for themselves, and who are not prepared to adopt, under a new and not a much better name, the old exploded doctrines of divine right, kingcraft, and passive obedience. If this was only a speculative interest felt by us in the affairs of France as spectators, we might differ in sentiment, and go on together with respect to the concerns of our own country, with which those of France ought not to be so much mixed; but this treaty for putting down by force of arms whatever the kings combined may think, or choose to call, revolutionary movements, is such a conspiracy against the rights and liberties of mankind, as it is impossible to refrain from condemning and resisting. You may expect very soon to see a breach in the opposition; I think it cannot be averted much longer. It is this circumstance which makes Lord Grey's absence at this moment so peculiarly unfortunate for those who,

1816. Æt. 38. as I do, agree with him in the way of seeing all these things, and look up to him as their head. I am particularly obliged to your Grace for allowing me to read the inclosed letter, which I return with my best thanks. Believe me ever your obliged and sincere

FRA. HORNER.

P. S.—I am very sorry to add, that, since the date of Lady Grey's letter, he has had another very severe attack.

Parliament met on the 1st of February, and an amendment to the address to the Prince Regent, on the first day of the session, was moved by Mr. Brand, and seconded by Lord John Russell,—that it was the duty of Ministers to have convened Parliament with the least possible delay, for the purpose of communicating those important treaties with the allies, and with France, which, after having been acted upon for several months, were then about to be laid before the House; and pledging the House to a speedy revisal of the civil and military establishments, according to the principles of the most rigid economy, and a due regard to the public interests. This amendment was supported by Mr. Brougham, Lord Milton, and Sir Samuel Romilly; and after the latter sat down, Lord Castlereagh spoke in support of the Address. Mr. Horner then rose and said,—

"The noble lord who had just sat down had stated, that the House in acceding to the proposed Address would pledge themselves to approve of the peace, as being more glorious than any which had been obtained at the close of former wars. Against this proposition he must protest. He understood the Address

to congratulate the Prince Regent on the peace, and on the unrivalled successes which had blessed his Majesty's arms in the progress of the war just concluded; and, without any reference to party, he thought no man, who felt as an Englishman, could do other than exult in those triumphs, which had placed the military character of this country on a pinnacle which it had never before reached. He could not, however, give the peace the unqualified approbation which the noble lord seemed to expect, till the treaties were before the House. When these were examined into, he should be glad to find that the peace was really one which, while it gave other advantages, sustained, at the same time, the British character for good faith. He had no doubt the noble lord thought it merited this praise; but from some rumours which had got abroad in Europe, he should feel it to be his duty to look closely into it, to satisfy himself that in this the noble lord was right. With respect to the commerce and internal state of the country, he should reserve himself till the necessary papers were before the House, and these were subjects which he should be careful not to mix with the questions of peace and negotiation. He was aware the conclusion of a war in every community, more especially in one so complicated as that of England, must create some temporary distress; but he was afraid, that which was now complained of would be found to bear another character, and that the remedy would not be easily supplied. He trusted the Minister was not disposed to propose, or the House to adopt, any new departures from the principles of our ancient laws and policy. He was led to make this remark, from a suggestion thrown out by his honourable and learned friend, with regard to an alteration of some of the existing laws. The present

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1816. Æt. 38. ...amount of the taxes he believed to be the source of the evil complained of, and this could never be remedied, but by going to the root of the present system of taxation. He agreed with the noble lord, that whatever pressure might be complained of, it was desirable to leave the Sinking Fund unbroken and unimpaired. But if this was suffered to remain untouched, how were the public burthens to be diminished? By economy alone. It was not to be effected by economically taking off two or three hundreds from one item, or two or three hundreds from another, but by the introduction of the most rigid economy into all departments, and by reducing, where it was practical, the military, civil, and financial departments. He hoped, in the course of the present session, that Ministers would not come to Parliament to ask for an increase of emolument for any of the public officers. He trusted they should not again hear of an addition to the salary of this Lord Advocate of Scotland, or that Commissioner of Excise, nor an extended provision for this or that branch of the royal family. He hoped the House would be careful to make Ministers attentive to economy; that, by timely retrenchment, the difficulties complained of might be met, and that the nation would never be forced to the last and most desperate expedient, that of breaking its faith with the public creditor. He should conclude with declaring, that, for the present, he would give no opinion on the character of the peace."

BATTLE OF TRAFALGAR.

On the 5th of February, Lord Castlereagh moved, —that an address be presented to the Prince Regent, to represent that the House was desirous of

commemorating the splendid achievements of the British navy during the late wars, by erecting a national monument to its most signal and decisive victory, in the battle of Trafalgar. Mr. William Dundas differed in opinion from the noble lord, and proposed, that a monument, or monuments, should be erected to commemorate all their naval victories during the late wars: upon this, Mr. Horner rose and said, — 1816. Æt. 38.

"He gave full credit to the feelings of the right honourable gentleman (Mr. Dundas) in the wish he had expressed, to see a monument by which the services of the whole navy might be commemorated, and in his fear that any one of our great naval victories might pass without its appropriate reward. Certainly, it might be desirable to recall every deed of glory that had distinguished our naval annals; particular individuals might feel more interested in one action than in another, from their connexions and relations in life, and might be convinced that its omission was injurious to the memory of those engaged in it; still he thought that the proposition of the noble lord was more eligible, than that which was stated by the right honourable gentleman who spoke after him. A selection, he thought, was necessary to be made; and if there was to be a selection, on what victory could we fix so properly as upon that of Trafalgar? It was undoubtedly the greatest in our naval history, in whatever point of view it was considered. It was not only transcendently great from the skill and heroism displayed, but important from its political consequences; it carried the naval renown of this country to a height it never before had reached, and left us not only without a rival, but without an enemy to contend with on sea. If the plan of the right

1816. honourable gentleman was to be adopted, and our
Æt. 38. late naval victories were to be commemorated in their order, where could we stop, or to what class of actions would we confine ourselves? There would be great difficulty in determining what victories the national monument should record, without incurring the imputation of invidious omission, where the exclusion commenced. If the skill and intrepidity displayed in an action constituted alone a sufficient claim to participate in the present measure of national commemoration, then there were no limits to our list of celebrated battles, or great naval commanders. All the navy had distinguished itself in every encounter with the enemy; and there was often as much intrepidity, as much experienced skill and determined bravery, displayed in engagements with single frigates, in capturing a gun-boat, or in cutting out a vessel from a hostile port under the fire of an enemy's batteries, as in gaining any of the victories which illustrate our naval history. The right honourable gentleman seemed to fall into a mistake, with regard to the object of the noble lord's proposition. He seemed to imagine that, because a particular victory was selected, the monument was therefore to be exclusive; and that because the battle of Trafalgar was to be the action on which the admiration of the country was to rest, therefore none were to share in the glory of it but the officers who were actually present. This was a narrow view of this great exploit, it was a view that the country should not take of it. The House should consider it as an instance of splendid success representing the whole of our naval glory. It was to be considered as the property of the whole navy,—as the fruit of the superior skill, gallantry, and heroism of all our naval defenders,—as the con-

summation of our naval glory. He trusted, under all these circumstances, that the right honourable gentleman would not persist in his opposition to the noble lord, or disturb the unanimity which ought to prevail on such an occasion." 1816. Æt. 38.

PEACE ESTABLISHMENT.

On the bringing up of a Report of a Committee of Supply on the 13th of February, and the Chancellor of the Exchequer having moved that the resolutions should be read, Mr. Wynn expressed his entire dissent from the financial plan which had been developed, the preceding night, by the Chancellor of the Exchequer, as well as from the whole scale of establishments there laid down; for it was a war establishment under the name of peace. He was followed by Mr. Barclay, who said, that as he was one of the first to concur in the enactment of the property tax, at a moment of national exigency, so he was now among the foremost of those who called for its repeal, when the necessity for its enactment no longer existed. After he had spoken at some length, Mr. Horner rose, and said,—

"He would take that opportunity of asserting, that the people could not be relieved from their present appalling difficulties in any other than one way; namely, by a reduction of the proposed peace establishment. It was in vain to listen to the suggestions of those who recommended a little loan; suggestions which, by the way, might be merely intended to sound the House, upon the practicability of such a mode of proceeding. All this was a plain and palpable delusion; the difficulties of the country were most urgent and pressing, they must be met; and if Ministers could show, that there really existed a necessity for the maintenance of the proposed system, he, for one,

1816. ...would not hesitate to vote for the property tax.
Æt. 38. But he was firmly satisfied they were totally incapable of establishing that necessity. He had indeed consented to the enactment of that tax, during the war, although persuaded of its odious, oppressive, burthensome, inquisitorial character; because he felt the force of that policy which compelled its existence. Those times had now passed away, and the real question for the Commons of England, in the exercise of their sacred trust, was at once to say aye or no to the momentous proposition now submitted to their consideration. Was it necessary to support 50,000 troops for the British Isles? Was it necessary to erect a peace establishment of 150,000 men? In his opinion, he would reply no; and he would affirm and maintain that negative, through every part of the details which it was said were to be forthcoming. The situation of the country was not what it had been but a few years ago. Was the necessity of defence, he should ask, greater or smaller than at the period to which he would allude? France, at the close of the American war, had a navy almost at our shores, and superior, perhaps, to the fleets destined for our protection. Spain and Holland had also a maritime strength of no inconsiderable magnitude. All these external considerations had happily disappeared; the safety of our colonial settlements was also placed on a steady footing; and yet the country was required to keep up a military force of an enormous and most unexampled extent. If such a peace establishment as this were listened to by the people of England, he would predict, from a measure so alien to their system, the downfall of their liberty and constitution in a very few years. It was nothing less than a project to alter the uniform policy of Great Britain, and to

amalgamate her character with that of the military states in Europe, by a total subversion of the principles of her constitution. From her insular situation, she was by nature a naval and maritime state; and to the preservation and cultivation of the advantages necessarily belonging to that state, she was paramountly bound to adhere. She might, indeed, be dazzled with the newly acquired glories of her army; she might take her rank with the despots of the Continent; but in vain could she expect to prolong the native pride of her free character. The two systems were incompatible. Either the government or the military establishment must give way; and when the question was a struggle for ascendency, between liberty and the constitution on one hand, and power and despotism upheld by a military establishment on the other, the warning experience of history proclaimed, that the struggle was short, and the termination most ruinous. Independently of these, to him conclusive reasons against the adoption of the present measure, the financial state of the country presented an unanswerable argument on the same side. He would, therefore, protest against it altogether, and insist that it was a mere delusion to talk of expedients, and to hope for a diminution of burthens, if the proposed establishment was to be maintained. If the people were to hope for relief, they had but one chance of having their expectations realised, and that was, by a reduction of the peace establishment."

1816. Æt. 38.

IRISH GRAND JURY LAWS.

On the 14th of February, Mr. Horner brought under the consideration of the House a measure of

1816.... great importance, connected with the administration
Æt. 38. of justice in Ireland. He stated, that an extraordinary practice prevailed, in the proceedings of the grand juries, of finding bills of indictment upon the mere depositions obtained from witnesses by the magistrates, without any resort to parole evidence, and that this practice was established over the greater part of Ireland. That it was not of recent growth, but almost as ancient as it was universal; for it had prevailed so long, that the records of the courts scarcely reached back to a time when it did not exist. That it was almost unnecessary to say how different this was from the practice that prevailed in England, where the witnesses of the prosecutor were sworn and examined before the grand jury. That the common law of England and Ireland were the same; and that in determining what was proper to be done, we had only to inquire what was the law of England; and though an opposite practice had been long established in the sister kingdom, the length of usage was no sufficient bar against a return to the punctual administration of it. That, by this practice, Ireland was deprived of a most important privilege; and there was nothing that could be more essential to the interests and rights of those individuals who were exposed to trial, whether justly or unjustly, than restoring this privilege. That, for this purpose, there would be no necessity for an enacting statute, but merely for a declaratory one; that any other, besides being useless, would have the appearance of altering the common law of the land. He concluded by moving, "for leave to bring in a Bill to declare the law for the right proceeding of grand juries in Ireland upon bills of indictment."

The Bill was strongly opposed by the Judges, and

by many eminent lawyers in Ireland, and was in consequence retarded in its progress; but it passed into a law before the close of the session. It was the last measure which Mr. Horner originated in Parliament, and was one to which he attached great importance. I am, for this reason, induced to give a detailed statement of the origin and progress of the measure; and, by a slight deviation from chronological order, I can give this account in Mr. Horner's own words, in the following letter to Mr. Murray, instead of having recourse to the imperfect records of the proceedings, in the successive stages of the Bill, contained in Hansard's Debates.

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My dear Murray, Woburn Abbey, 9th July, 1816.

You desire to have some account of my Irish Grand Jury Bill. The history of it is this. In reading a pamphlet published by Mr. Rice*, an Irish country gentleman, upon the subject of their money presentments, I was much surprised to find a statement by him, that the grand juries of that country, in their proceedings upon criminal charges, frequently found the bills without examining witnesses, upon the mere inspection of the depositions taken by the committing magistrates. This instance of the corruption of law and justice in that neglected country, and of the manner in which the gentry disregard the rights of the lower orders, made so strong an impression upon me, that when I was named a member of the committee upon presentments, I thought that an opportunity not to be lost for ascertaining the extent of so culpable a practice. We examined as witnesses most of the county members of Ireland, and many

* Thomas Spring Rice, Esq., the present Lord Monteagle.

1816. Æt. 38.

..other gentlemen who had served as grand jurors; I started the inquiry with the very first of them, and the committee followed it up with the rest, and the result ascertained was, that with very few exceptions, the general practice of the grand juries was to find their bills without examining witnesses, "unless" (as the Irish gentlemen very simply said), "unless they had doubts;" and with the universal exception of bills for one crime, which you will think a curious one, rape, in which they always made the witness, that is, the woman, tell the story. The English members of the committee were much scandalised at this discovery, and, with the assistance of the most respectable Irishmen upon it, we tried a proposition for a special report to the House upon this particular point; but we were left in a minority, Peel* and Fitzgerald taking a strong part against us. I then told the committee, that the thing seemed to me so important that I would take it upon myself to bring it before the House, and I gave notice immediately of a bill to declare the law. In the interval, after my notice, Peel had an opportunity of consulting the crown lawyers here, who told him, of course, that the practice in Ireland could not be vindicated, but was clearly against law. On the other hand, after a correspondence with the Irish Chancellor and the Judges, he found them ill prepared to admit a correction of the practice, and very sore under the apprehension that their conduct would be reprobated for allowing such a deviation from the certain and clear principle of the constitution to exist in practice. This conflict of authorities embarrassed Peel; and as the summer assizes were approaching, he naturally felt some anxiety at the prospect of so im-

* The present Sir Robert Peel, then Chief Secretary for Ireland.

portant a change being suddenly forced upon the judges and grand juries. 1816. Æt. 38.

He applied to me, therefore, with a request that I would postpone my motion to the following session, stating, at the same time, his conviction that something ought then to be done, to make the Irish practice conformable to the English law. I felt it to be of so much importance to secure his assent to the measure, that I agreed to postpone it; and we came to a distinct understanding about it, one point only being left open,—whether it should be a declaratory bill, which I thought the only right course, or an enacting one, which he thought would save the Irish judges from immediate reproach, and the past proceedings of the criminal courts from being questioned by the people. In the present distracted state of that unhappy country, I felt there was some weight in this last suggestion.

Upon the prorogation of Parliament, feeling this to be a subject of considerable moment, I thought I could not do better than write to Plunkett, desiring his advice about it, and communicating to him my own notions, as well as the footing upon which the matter stood, under my arrangement with Peel. I considered it as very blameable in him, that the whole summer passed without my receiving any answer from him. And his subsequent conduct has since, to my mind, explained his silence, in a manner that does not leave a very satisfactory impression.

As soon as Parliament met again, I renewed my notice of motion; and obtained leave to bring in my bill, without opposition from any quarter: I determined, however, not to press it on, until there was a full attendance from Ireland, and until they had every opportunity of urging any objections they had to it.

1816. Æt. 38. I likewise took a decided tone of proposing it, merely as a prospective measure, for the better administration of justice in future, without loading any persons with blame for what they had suffered to be done. I took this course, from a conviction of the necessity, above every thing else, in Ireland, of maintaining the authority and character of the judges, difficult as it is to do so. I found that Peel adhered most honourably to the engagement he had come under; but he informed me, that the Irish judges were extremely hostile to my bill, and denied the law to be what I stated. He communicated to me a variety of documents which they had prepared upon the subject; a long letter from the Lord Chief Justice Downes to Lord Chancellor Manners; and an account of solemn deliberations held by the Irish judges, so far back as the year 1762, at a time when Mr. Justice Aston, who had recently gone over there from Westminster Hall, told them their practice, in this respect, was a violation of the law; but they solemnly decided that it was very good law for Ireland. I shall be glad to show you these papers one day; a careful examination of their arguments and mistaken authorities satisfied me of two things; first, that they found themselves defending a practice, which they were conscious could not in point of law be defended; and, secondly, that it was so inveterate an abuse that it was hardly to be imputed as matter of blame to the judges of the present day, that they went on with what they found established.

At this stage of the business, after I had considered all these documents, I was annoyed with at length receiving a letter from Plunkett, in which, to my mortification, I found that he was in the same strain with the judges, repeated to me all their feeble rea-

sonings and ill-understood authorities, and was so entirely in concert with them, that he sent me copies of the same papers which they had laid before the secretary. I determined, against these prejudices of the Irish lawyers in favour of their own practice, to make the best use I could of the prejudices of the English lawyers in favour of their own law, and to go on with my Bill; putting off the discussion till Plunkett should come to England. Though he professed much anxiety to oppose it in Parliament, he gave me no opportunity of meeting him in discussion; for, coming over while we were all upon our circuits, before my return he went away to Paris, and in his way back to Ireland only stopped a day for Grattan's question. I shall show you his letter to me. 1816. Æt. 38.

When I brought on the Bill, which I made declaratory in its form, avoiding all offence in the preamble, I met with no serious opposition; government acceding to its propriety and necessity. The judges employed a gentleman, who is come in for Armagh, as Dr. Duigenan's successor, a retired barrister, to urge their objections and their authority against it; but he showed no knowledge or ability, and was not even worth answering.

Lord Castlereagh urged me to admit a clause into the bill, by which the judges are permitted to give the grand juries the use of the depositions, in order to guide them in their examination of the witnesses, as well as to enable them to detect prevarication and perjury in the grand jury room. I did not relish this; because what the judges have maintained, against every principle of law, is, that these depositions, though no evidence to the petty jury, were good lawful evidence to the grand jury. I was afraid, therefore, of compromising the principle of

1816. Æt. 38. my Bill; but he and other Irishmen urged so much the difficulties their grand juries would at first experience, and the danger of perjury being multiplied and crimes compounded, if witnesses for the crown knew that they might with impunity unswear in the grand jury room what they had sworn before the magistrate, that I found myself under the necessity of consenting to this clause; but I insisted, at the same time, upon guarding it with words that should expressly negative the doctrine of the judges, as to these depositions being in any point of view lawful evidence, or to be used as such. And so the bill passed. I happened to be on the steps of the throne one day, when Lord Ellenborough came to tell me he had just been reading it, and he saw nothing to object to but one clause; this was Castlereagh's clause, and I told him so: he said he disliked giving these Irish gentlemen any rope, they were so apt to swing too far.

I have made a tiresome history of this little production of mine; but when I began to tell you any thing about it, I did not know how to tell you intelligibly less than the whole. It is likely enough that some difficulties will be found, and some made, in the first application of a law which both the judges and the grand juries dislike; the former, because it has been thrust upon them, and carries by implication no inconsiderable censure upon their past administration of the penal law; the latter, because the more careful performance of their duty, as a grand inquest upon bills of indictment, will keep them from proceeding at once to their more agreeable function, of voting money to themselves for their roads and other jobs. One indirect benefit that will be derived from my Act is, that it will render some new arrangement indispensably and immediately

necessary, with regard to the business of these money presentments, which ought never to have been coupled with the proceedings of the assizes. But the chief advantage and main argument for the Bill lies in its principle; by which a more solemn and deliberate administration of the law, in those proceedings which affect the lower orders, and are laid open to their inspection, will, by degrees, be introduced and enforced. This is one only of many legislative measures that are called for with the same view. One of the great sources of disorder and violence in Ireland is admitted to be the habitual want of reverence and submission to the law, that prevails among all classes of the community; and, it must be owned, when one comes to see in detail, how the most important institutions provided by the law, for solemnity and for the protection of innocence, are slighted and perverted, wherever the selfish interests of the squirearchy (as it has been humorously called) come in competition, and how the most palpable corruptions and abuses are screened by the prejudices of the lawyers, one can hardly wonder that the law and the government in that country are so little revered and obeyed. The vindictive power of the criminal law, and the rapacity of civil justice, are well known to the peasantry and the rest of the lower orders; but it is only as a punisher and oppressor that it is known at all. I believe there is no particular, in police or administration, in which the present situation of Ireland differs more from that of the whole of this island. Let me at last release you from this volume of a letter.

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Yours ever affectionately,

FRA. HORNER.

1816. Æt. 38. In the year 1831, Mr. Spring Rice had the kindness to send me two letters, which he had received from my brother, in June, 1815, when his attention had been first directed to this subject, by reading the pamphlet of Mr. Rice, referred to at the beginning of the above letter to Mr. Murray, a copy of which he had received from the author. As the letter to Mr. Murray contains the substance of Mr. Horner's letters to Mr. Spring Rice, it is unnecessary to insert them here; but Mr. Rice, when he sent them to me, added the following interesting statement, which renders the history of the measure more complete.

"Mr. Spring Rice expressed to Mr. Horner his anxiety that the bill should be declaratory rather than enacting, as, if the latter course were taken, it might raise doubts whether the law of evidence was the same in both parts of the empire, and inferences might even from thence be raised with respect to the whole common law of Ireland. Mr. Peel's apprehensions with respect to the feelings of the Irish judges were fully realised by the event. It is generally understood that those functionaries met, and, with one or two exceptions, protested against Mr. Horner's measure, not only as an innovation wholly uncalled for, but as one which stigmatised the judicial procedure of Ireland as unconstitutional and illegal. It was said that this existing system had never been complained of, that it had existed from time immemorial, that it had not only been sanctioned by the authority of the most eminent practical characters in modern times, Chief Baron Hussey Burgh, Lord Kilwarden, Lord Avonmore, and others, but that Chief Baron Gilbert, recognised as a text writer on the law of evidence, had approved

of a practice which the rashness of modern reform and the theories of a Scotchman, unacquainted with Ireland, its wants, or interests, sought to overthrow. Mr. Horner's intended bill was made the matter of acrimonious animadversion by Lord Norbury, the Chief Justice of the Common Pleas. This learned person endeavoured to raise a cry against the change, as involving an attack upon Ireland, and all its institutions. These efforts entirely failed, and Mr. Horner's bill was carried without any parliamentary opposition. 1816. Æt. 38.

"The importance of this reform can hardly be sufficiently appreciated. It should be recollected that in 1815, and indeed it may be added in later times, the state of the Irish magistracy was, to use the words of the late Mr. Ponsonby '*any thing but what it ought to be.*' Divided into parties, where one justice of the peace committed, his neighbour interfered to bail. No meetings at petty sessions were known; and local politics and religious differences were but too frequently the causes of partiality and of undue bias. Where an information was sworn, the usual course taken on the part of the person charged was to apply to a magistrate, and swear a cross information against the complainant. Both parties were either bailed or committed, and the aggrieved, as well as the criminal party, was sent in, to stand trial. A person, who might be an inconvenient witness was included in the information, and all became confusion, as well as injustice. The magistrates were careless, even when they were not open to more serious suspicions. But when the name of the committing magistrates came before the grand jury, and that the committal and charge were compared with the evidence for the prosecution, in

1816. Æt. 38. the presence of twenty-three of the principal gentry of the county, much more discretion was necessarily used, and not only were the people protected against unjust accusations, but a reform was necessarily produced in the conduct of the magistracy. The course of justice became more certain, the number of convictions increased in proportion to the commitments. The system of indictment and cross indictment was checked; and though it was expected that the business of grand juries would become more heavy, it was, in fact, lightened, and performed in a manner infinitely more satisfactory.

"If the life of Mr. Horner had been spared, he would have had the satisfaction of finding that all parties, even including the judges, concurred in approving of his Bill within a very few years of their mistaken and jealous opposition. The magnitude, as well as the effective nature of this reform, is now admitted on all hands; and it is certainly not among the least important of Mr. Horner's services in Parliament, to have succeeded in this great reform, opposed as he was by those whose legal authority presented an obstacle difficult to be overcome. The conduct of the Irish judges is one among many proofs, that those who administer the laws can seldom bring themselves to take large or useful views of legal reform. Their faggots of ideas are bound up, they cannot bring themselves to unloose them, and the very complexities and obscurities which are sources of loss and inconvenience to others present to them difficulties to be overcome, opportunities of gratifying their self-love, by displays of learning, and proofs of ingenuity and research."

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Æt. 38.

TREATIES OF PEACE.

On the second day of the session, Lord Castlereagh presented to the House, by command of the Prince Regent, the "General Treaty, signed in Congress at Vienna, June 9. 1815, with the Acts thereunto annexed," and on a subsequent day, the Definitive Treaty concluded at Paris, on the 20th of November, 1815, with the King of France. On the 19th of February, in moving an Address of Thanks to the Prince Regent for these communications, he entered into a full exposition and defence of the policy of the allied powers in the arrangements which took place at the Congress of Vienna, in the whole course of the measures which led to the commencement, the prosecution, and conclusion of the war, occasioned by the return of Buonaparte from Elba, as well as the subsequent negotiations of Paris; and he characterised the proceedings of the Congress of Vienna as being only a definitive arrangement of the treaty of peace concluded at Paris, in May, 1814. He ended by moving a series of resolutions, expressing the satisfaction of the House with the terms of these treaties, and more particularly, "that it had been found practicable to combine the measures which Europe owed to its own safety with a just and liberal policy towards his most Christian Majesty."

Lord Milton moved, as an amendment, a series of counter resolutions, condemnatory of the policy which had been pursued, and of the terms of the treaties which had been concluded. This amendment was supported by Sir James Mackintosh in a long and able speech; and after he sat down the debate was adjourned. It was resumed the following day, when Sir Samuel Romilly followed on the same side, repro-

1816. Æt. 38. bating especially the establishment of Louis XVIII. on the throne of France, by a military force, against the will of the nation.

After several other members had spoken, Mr. Horner rose, late in the evening, and delivered a speech which appears to have made a great impression. It is described by Sir Samuel Romilly in his Diary * as having been "admirable;" and I am informed that the Speaker, the late Lord Colchester, said of it, that it was "most powerful, argumentative, and profound, and altogether one of the most able speeches he had ever heard in that House." The report of it, as given in Hansard's Debates, will be found in the Appendix.

LETTER CCLVIII. TO HIS MOTHER.

My dear Mother, 21st Feb. 1816.

I have not time to write more than a few lines to-day; for after being up nearly all night, I have been very busy all morning in the House of Lords. You will find I was busy too in the other House; whether the newspaper gives any correct account of me, I do not know yet, for, except looking at the praises bestowed upon me, which of course I found time to read, I have not read the report. My friends tell me I did well; and I have great satisfaction in having had my breath out about the Bourbons and Castlereagh.

My kind love to all at home.

Most affectionately yours,

FRA. HORNER.

* "The topics on which I principally dwelt had not been touched upon by any speaker who had preceded me; but most of them were afterwards very eloquently enforced in an admirable speech made by Horner."—*Memoirs of Sir Samuel Romilly*, vol. iii. p. 220. 1st edition.

LETTER CCLIX. FROM JAMES MACDONALD, ESQ.* 1816. ÆT. 38.

My dear Horner, Calne, 22d Feb. 1816.

I really cannot resist writing you a line to congratulate you on your brilliant success on Tuesday night. Even the outline of your speech, as given in the Morning Chronicle, enables me to judge a little of the nature, and of the value of the speech itself. There is no man in the House of Commons, in whose career I feel a more lively interest than yours; and I may say to you, without being suspected of flattery, that the impression you have already produced in the present session *universally*, must be a cause of exultation, though certainly not of surprise, to your friends. This is one of the considerations which make me rejoice in returning to Parliament: my election takes place to-morrow.

Yours faithfully,

J. MACDONALD.

LETTER CCLX. FROM JOHN WHISHAW, ESQ.

My dear Horner, Lincoln's Inn, 24th Feb. 1816.

I have been particularly desirous of seeing you lately, to congratulate you upon your speech of Tuesday, which has been the topic of conversation, wherever I have been for the last two or three days. You must already have felt that it *establishes* your character and station, not only in Parliament, but with the public; and that it is universally considered as a most important event for the political party to which we are attached. It is needless for me to say how much I have been delighted with all I have

* Son of Sir Archibald Macdonald, Chief Baron of the Court of Exchequer.

1816. Æt. 38. heard upon this interesting subject from various quarters, and which I have felt almost as a matter of *personal* congratulation.

I remain, my dear Horner,

Ever yours most truly,

JOHN WHISHAW.

LETTER CCLXI. TO J. A. MURRAY, ESQ.

My dear Murray, Temple, 27th Feb. 1816.

My circuit begins on the 5th of March; but my engagements in the House of Lords will not permit me to join it early, perhaps not before the 18th. I shall be back from it by Friday, the 5th of April, and from that time I shall remain in London.

It is no common degree of gratification to hear from you, that you coincide with me in the opinions which I have been lately expressing in Parliament, if you include in that approbation my sentiments upon the Treaty of Peace. For I was afraid that there, perhaps, you might think me too unfavourable to the principles and views upon which the precautionary measures of the allies are founded. My disapprobation of what has been done, and my apprehensions concerning its future consequences, are no doubt derived out of opinions which I have long held fast, yet I cannot accuse myself of having failed, upon the present occasion, to review and reconsider them with some coolness and anxiety. There are changes in the whole frame of European politics, and in our domestic scheme of liberties, which are going on much faster than politics ever before seemed to me to move. It is a movement, perhaps, which has resulted from causes that were put in action long ago, though their force

has been compressed for an interval by counteracting circumstances, which have been suddenly removed. In the most formidable periods of the French military power, my dread never was of its prevailing against us in this island by conquest, but of the inroads that our system of defence was making upon the constitutional forms of our parliamentary government, and upon the constitutional habits of the English commons. 1816. Æt. 38.

We are nearly declared to be a military power. If this design is not checked, of which I have slender hopes, or does not break down by favour of accidents, we shall have a transient glory, for some little while; the bravery of our men, the virtues which the long enjoyment of liberty will leave long after it is gone, and the financial exertions of which we are still capable, will insure us that distinction; but it is a glory in which our freedom will be lost, and which cannot maintain itself when the vigour, born of that freedom, is spent. Do not tell any body of these gloomy visions of mine; they will appear absurd and insincere; above all, do not tell them to Jeffrey, or I shall see myself niched in some sentence against moping Whigs who love Buonaparte. I have in my heart infinitely more apprehension, about the future fate of English liberty, than I ever permit myself to express in public; one chance of preserving it, is to keep up the tone of the public sentiment, particularly in Parliament, to the consciousness and confidence of still being free. I heard you were to dine at my father's last Saturday; I hope you had a pleasant day.

Most affectionately yours,

FRA. HORNER.

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LETTER CCLXII. TO HENRY HALLAM, ESQ.

My dear Hallam, Sidmouth, 17th March, 1816.

One of my sisters desires me to forward the enclosed letter to Mrs. Hallam.

I fancy you will not agree with me, in being sorry to see, that nothing has been said by any body, upon the bills relating to the prisoner at St. Helena, expressive of a regret that it was cast upon this country to execute so odious a part of the arrangements to which the victory of Waterloo has led. You know all my sentiments about the man, how little I share any of that admiration which his extraordinary fortunes and character have imposed upon some persons, and how much I execrated all along his tyranny and military ambition, and enmity to all civil liberty. At the height of his power, I expressed myself more strongly against him than I should permit myself to do publicly now. In the treatment he has met with, I feel no inclination to deny, that the sparing of his life is an act of humanity, such as is not recorded of any of those former ages in which such characters and events are to be found: yet I cannot but feel, at the same time, that, when a few years more are gone by, and we can all look back upon these transactions from some distance, it will be our regret and mortification that the government of this day could see no safety for Europe against a single man, but in transporting him to a rock in the ocean, and that in leaving him his life, we have taken all that can make life any thing but a torment. I do not mean to make a stronger imputation, than that we have been wanting in magnanimity, where the opportunity was obvious and commanding. But this country has reached too high a station, to be at liberty to miss such opportunities. Our virtues must rise with

our fortune, or we shall be thought to have been unworthy of it: a large and secure generosity, is one of the conditions by which we are to hold our greatness. Instead of this, we have treated our captive with the timid severity of a little republic; and have lowered ourselves to the notions of our despot allies, who know nothing of safety but in force and bonds. Perhaps, some years hence, at the point of view which I anticipate, I shall soberly discover all this to be a romance. I can say, without any affectation, that I shall have nothing but pleasure in seeing the glory of the country quite clear of the stain which I think I see upon it at present. Do you hear any thing of Canning's coming into office? I wish he were back in the House of Commons; it would refresh one's mind, to hear something like eloquence again, and to see a man at work, who, with all his faults, owes his means of greatness to his power in that House. His faults, it must be owned, and especially his late errors, are miserable. 1816. Æt. 38.

Yours ever faithfully,
FRA. HORNER.

LETTER CCLXIII FROM HENRY HALLAM, ESQ.

My dear Horner, Stamp Office, 19th March, 1816.

I suppose that you will expect me to begin by congratulating you on last night's division *; *but*, all things considered, I am much inclined to do so, not as a party triumph, for I scarcely think your keenest *partisans* can well put that construction on it; but for one or two reasons which rather overbalance, in my mind, the very serious evil of adding to our

* On the Property Tax, when Ministers were in a minority of thirty-seven.

1816. Æt. 38. enormous debt in time of peace. These reasons are, first, the extreme distress which prevails in many parts of the country, and which must render the tax almost insupportable; and, secondly, the danger of increasing the odium under which the House of Commons already labours among a large class of people, by so decidedly resisting the wishes of the nation.

I believe this division was wholly unexpected on both sides. Arbuthnot calculated on a majority of 40; Opposition rather, I believe, expected to lose it by 20. Sturges Bourne alone, of those I happened to see, appeared to anticipate this result, though not, of course, by so great a difference of numbers. Perhaps poor —— will be made the scape-goat; for you see that Huskisson never committed himself by a syllable in favour of the tax.

Perhaps I do not very clearly understand your feelings about Buonaparte. It must, I think, be admitted that he could not have been left at liberty without prodigious risk of exciting fresh disturbance in the unsettled state of Europe. I do not perceive that you disagree from this; yet you speak of the opportunity of acting with magnanimity being obvious and commanding. God forbid we should be influenced by the base spirit of trampling on a man whom we certainly feared, though we did not flatter, like our continental allies. I once wished that Buonaparte should have found a tranquil asylum in this island; but, when I see the foolish admiration which many persons entertain for that man, and the still more foolish association of his name with the love of liberty, I cannot desire to see his court, as it were, frequented by all the discontented, as well as all the idle and curious. Nor do I think it would be easy to obtain

an adequate security against his escape from this country, except by measures almost as severe as those now adopted at St. Helena, of which I should be sorry to see a precedent established in Britain. The condition of Ireland affords another argument against allowing him to reside in this country. As to the degree of confinement, no doubt that ought to be as slight as is consistent with security. The precautions now taken appear to be needlessly vexatious; and if he requires to be watched so strictly upon his rock, it must be a much less secure place of confinement than it has been represented. Perhaps you only object to this excess of surveillance; and in this I should thoroughly concur. But, as Europe now stands, I hardly see where else, unless it were Malta, he could be detained with safety.

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Ever most truly yours,

H. Hallam.

Letter CCLXIV. FROM LORD WEBB SEYMOUR.

My dear Horner, Edinburgh, 27th March, 1816.

For a long while past I have been anxious to write to you upon a subject on which I cannot enter without some embarrassment. Our views and sentiments upon politics have been growing wider and wider apart for the last two years, and though such differences between friends must be expected in the course of life, and mutually indulged, yet any material error in politics threatens to detract so much from your high character, and so much from the good which your talents and virtuous intentions may produce to the country, that I cannot refrain from telling you I think you are in the wrong, and how I

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It seems to me, then, that, from your habitual antipathy and active zeal against the members of our present government, and your warm attachment to friends, with whom every private, as well as public, feeling has made it almost *a religion* to agree, your favour and aversion have been extended to every person and event, according to their connexion with, or opposition to, the one party or the other. Thence

has arisen the indulgent tenderness towards Buonaparte and his adherents,—a tenderness which always increased, not so much, I believe, with the decline of their fortunes, as with the swelling triumph of their enemies: thence the ready suspicion of meanness, treachery, and selfishness in the allies, the angry censure of every step that did not accord with the most high-minded notions of political morality, and the insensibility to a generosity and rectitude in the great outlines of their conduct, to which the history of the world affords few parallels: thence the asperity against the Bourbon family, whose weakness and bigotry were for ever dwelt upon, while the difficulties of their situation were forgotten, and what was humane and liberal in their policy overlooked: thence the apprehensions of a revival of a superstitious reverence for royalty, while it was not considered that the restoration of the old dynasty was connected with the deliverance of Europe from the threatening evils of a military despotism of the most profligate character; and that with respect to France, the weakness of the executive power favoured the growth of civil liberty at home, while it promised security to her neighbours. The prevalence of such partial views in your mind may, in some degree, be ascribed to certain noble sentiments, which the circumstances of the times made you cherish in early youth, an admiration for talent and energy of character, and the wish to see those only who possess them at the head of affairs, a hatred for the corruptions of superannuated governments, and bright hopes for mankind from their overthrow, an abhorrence of the crafty domineering of priests, and a scorn of the ignorance, the incapacity, and the low vices, so often occurring in the families of princes, when the line has long been

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seated quietly on the throne. But the main source of bias is the constant society of your party friends in London. I can conceive no situation more seducing to the mind, than to be going on among a set of men, — most of whom are united in the harmony of friendship and social enjoyment, — all extolling the talents and principles of each other, — all ardent for the same objects, though each impelled by a various mixture of private and public motives, — all anxious to detect, to communicate, and to enlarge upon, whatever is to the disadvantage of their adversaries, and to keep out of sight whatever presents itself in their favour, — all vieing with each other, not only in every public debate, but at every dinner, and in every morning walk, to magnify the partial views, to which each by himself is naturally led. Most men, when long actuated by any keen interest in their private affairs, are liable to bias; how much more must this be the case, when a number of minds are re-acting upon each other in the strenuous prosecution of a common cause, when there is the mutual support of each other's authority, no reference to opinion beyond the limits of the party, and the proud notion that the good of the country depends mainly on the practical adoption of their own principles? Look around, among all you have ever known, and name me a man whose judgment you would have said beforehand could remain firm and right under such warping influence. And how seldom, in history, do we find an active associate of any sect or party retaining a tolerable degree of candour! Such reflections should make you occasionally suspect yourself, as well as those of your party friends, on whose understandings and integrity you place the strongest reliance. It was a striking lesson to remark last

year, and the year before, the unprejudiced judgment and language of the Whigs, who were at a distance from the struggle between the parties, when compared with the sentiments of those who were engaged in it; and on the former side of this contrast, I am happy to place Jeffrey, J. Murray, Dugald Stewart, Mr. Wilson, Mr. J. Clerk, Lord Minto, and Hallam. Perhaps your consciousness of a high spirit of independence makes you too little on your guard against the influence of those around you. There are many cases, in which I could trust to the candour of your judgment; but not so, when certain strong feelings are connected with the point in question. Above all I could not trust you, where your affections are involved; for that warmth of heart, and steadiness of attachment, which are such charms in your character, must then interfere, and I have observed them to do so. 1816. Æt. 38.

I wish that your party friends were more aware of the light in which their temper and conduct appear to many people, who, with no strong feeling either for or against Ministers, are anxious for the best interests of their country and of mankind. Men thus disposed, and with various degrees of intelligence, are, I imagine, pretty numerously scattered throughout the island; and these are the men, whose approbation they must be ambitious of, if their motives are pure, and whose support, if they are prudent, they must be eager to gain. During the last two years they would have often found the sentiments of such people at variance with their own. They would have found them sometimes lamenting, and sometimes indignant, to see men, who profess themselves patriots and philanthropists, steadily turning away from every joyful event, and every bright

1816. Æt. 38. prospect, to dwell only upon the few intermingled occasions of regret, or censure, or despondency, and uttering nought but groans over the fate of Norway, or Spain, or Saxony, or Genoa, while our own country, and half the civilised world, felt as if breathing when first risen from a bed of imminent death. I wish your friends could have heard in secret the opinions of the impartial upon the justice and expediency of the war last year; I wish they could now hear the expressions I have heard, — from some who entertain the soundest Whig principles, and lean towards their party, — of dread at the idea of any man being in office, whose indulgent favour of Napoleon might render it, in however small a degree, more likely that he should escape from his confinement, and again throw the world into confusion.

Opposition in Parliament is generally conducted upon one very false principle, namely, that the measures of Ministers must, in every case, be so far wrong, as to deserve, upon the whole, very severe reprobation. I will not suppose this principle to be speculatively recognised; but it seems, at least, to be practically adopted. Now it is plain, that where a set of men have the good of the country mainly at heart, and have tolerable capacities for business, though their talents be neither profound nor brilliant, and though their principles lean rather more than is right in favour of the Crown, yet their measures must, in all probability, be often as good as circumstances will admit of, and sometimes entitled to praise for unusual prudence or magnanimity. On such occasions justice is, for the most part, denied them altogether by the opposition side of the House; or, if praise is bestowed at all, it is bestowed in feeble terms, and with reservations much insisted on; but

what is denied them in Parliament is granted by an impartial public without doors, with proportionate disgust at the bitter and unremitting censures of factious enmity. Upon this point I must add, that I heard it said (by a friend too) that you hurt yourself in the opinion of the public, by some want of candour towards the latter part of the last session. 1816. Æt. 38.

Do not conceive that I am insensible to the benefits, which the country derives from a vigorous opposition. But I am confident that these benefits might be greatly increased, and every interest of the opposition party much advanced, if the temper, which party is sure to generate, were better controlled by those, at least, whose talents place them at its head; and if their views, freed from the bias of that temper, accorded more with the sentiments of an enlightened, and almost neutral, part of the nation. Opposition, even when carried on with the spirit of Sir Francis Burdett, is a check to abuses, and a safeguard to our liberty; there are few, however, with intelligence superior to that of the mob, who would favour his political objects. Mr. Whitbread's conduct in opposition was of a higher character; a friend of the people, and a firm foe to corruption, he was entitled to great respect; yet there were occasions when I could not have wished to see Mr. Whitbread in office, from the fear of his acting upon those mistaken notions, and with that vehement and perverse spirit, which appeared in his attacks upon Government, and which sometimes made him even go beyond the sentiments of his own political friends. There are higher stations in Opposition than that of Mr. Whitbread, — higher, from a display of more temperate and candid judgment. I would fain see you occupying the highest in this, as well as in other respects; and I would

1816. Æt. 38 fain know that the dignified propriety of language and demeanour, which you have so successfully cultivated in the House, was founded upon just and moderate views of events, and men, and measures.*

Believe me, my dear Horner,

Yours ever, very affectionately,

WEBB SEYMOUR.

ALIEN BILL.

Lord Castlereagh, on the 25th of April, moved for leave to bring in a Bill to repeal the Act of the preceding session respecting aliens, and to substitute other provisions, for a time to be limited, in lieu of it. He said, "that although tranquillity in Europe had been restored, the situation of the British empire was still such as to require precautions against the possibility of the disturbance of internal security. That the Crown, in truth, possessed the right of sending aliens out of the realm, on suspicion that they were concerned in practices dangerous to the state; but it had been thought wise, since the time of Mr. Pitt, to arm the executive with the countenance of the legislature."

Mr. Horner immediately rose and said, that he should, in the very outset, give such a proposal his decided negative. His speech on this first introduction of the Bill, as well as those which he delivered in its subsequent stages, will be found in the Appendix. He denounced the measure as unconstitutional; as contrary to the ancient and wholesome system of policy, which treated strangers with liberality and confidence; and as inflicting upon

* See the answer to this letter, 15th June, p. 332.

the national character a lasting reproach. He declared it, moreover, to be unnecessary, because the operation of the common law would be a sufficient remedy, for any misconduct of which aliens in this country might be guilty. 1816. Æt. 38.

BANK OF ENGLAND.

On the 1st of May he moved for the appointment of a select committee "to inquire into the expediency of restoring the cash payments of the Bank of England, and the safest and most advantageous mode of effecting it." The outline, contained in Hansard's Debates, of his speech on this great question, and of his reply to those who dissented from the doctrines he laid down, are given in the Appendix.

LETTER CCLXV. TO HIS SISTER, MISS ANNE HORNER.

My dear Nancy, London, 20th May, 1816.

I have been passing Saturday and Sunday at Mr. Sharp's, at Mickleham, with Mr. Grattan; and it was a very agreeable excursion. I went and returned with Mr. Grattan, whose conversation about Ireland, and especially the past history of Ireland, as well as upon literature, is full of interest and genius. He has been giving me to-day, as we came to town, the history of what was done at the famous period of 1782; and he made me acquainted with some parts of that great transaction, and particularly his own share in it, which I did not know before. This little excursion was on purpose to hear the nightingales, for he loves music like an Italian, and the country like a true-born Englishman. Both beauties are in

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I have read the Antiquary, which is inferior as a story to the other two, but, indeed, they are all very indifferently executed in that respect. The scene at the Country Post Office is admirable; the humour very true and lively, and poor Jenny Caxon's disappointment quite touching. But the Fisherman's Family is the real interest of the book; and I have forgot if there is any thing in Waverley or Guy Mannering equal to it. The old woman is quite sublime, till she is awakened to tell her story, and then she becomes commonplace; but her dotage and melancholy are terrifying. The funeral is very affecting; and particularly that stroke of nature, where the mother looks for some relief from her sorrow in a *flyte* with Miss Grizzell at Monkbarns. The Gaberlunzie seems to me exaggerated and inconsistent, and a bad copy of Meg Merrilies.

Most affectionately yours,

FRA. HORNER.

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LETTER CCLXVI. TO HIS FATHER.

My dear Sir, Holland House, 5th June, 1816.

I had the pleasure of receiving your kind letter. Leonard, I hope, is now restored to good health: perhaps I shall have accounts to-day, when my servant returns from town with my letters. I have been here for three or four days, during our Whitsun holidays; Lady Holland taking almost as much care of me, when she fancies I need it, as if I were in my own dear mother's hands. I am still a little plagued with a cough, in which there is nothing at all material, except the circumstance of its continuing so long, which I think is owing to the cold weather. To be quite sure of this, I have (by Lady Holland's desire) seen Dr. Warren, who thinks there is nothing in it; but considers the stomach, as of old, chiefly in fault, and has given me some directions to observe on that head.

My sisters seem to have taken it for granted, that I have fixed upon my summer plans, to the exclusion of Scotland. But that is by no means the case. I rather think, if I travel at all, it will be to see you; but I am not without thoughts of staying quietly at home, in order to read a little law, for which I have but few opportunities at other times of the year. But I have made no resolution yet.

My kind love to my mother and my sisters.

Ever, my dear Sir,

Most affectionately yours,

FRA. HORNER.

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LETTER CCLXVII. TO HIS FATHER.

My dear Sir, Temple, 13th June, 1816.

There is nothing I should like better than the plan you propose, for spending the autumn in a house at some little distance from Edinburgh. I am only afraid that it is a greater expense than you would like to incur, were it not for your kind attention to my fancies. Though I shall be under the necessity of returning to the October sessions, yet I shall have a full interval of six weeks, which I could not pass so happily any where as with you. I find it difficult to be at Edinburgh, and preserve that entire command of my time, without which one has not half the enjoyment of leisure.

Before you fix upon the situation, would it not be well for you to consider, whether the sea-side would not be better for my mother, where she could have the benefit of bathing? She used to think it always did her good, and I am sorry to hear she is not very strong at present. Nothing can be more beautiful than the neighbourhood of Rosslyn, or more to my taste; but, if my mother should be advised to bathe this summer, it would be excellent to combine both plans. I shall probably be released from the circuit on the 23d August, at Bristol; and I may arrange matters so as to set out at once for the North. I have concealed nothing from you about my health; and am only afraid that, by being so particular, as I was in my last letter, I have made you more anxious than there is any occasion for. Good weather and good hours will set me up again completely.

My home is quite another scene for me with my present inmates, who make me very happy indeed.

Anne has Lady Holland's box to-night, to see Miss O'Neill in the Jealous Wife; and I believe the young lady is to be of the party. William Murray is to dine with us, and to accompany them, for I must go to the House of Commons. My kindest regards to my mother and sisters. 1816. Æt. 38.

Ever, my dear Sir,
Most affectionately yours,
FRA. HORNER.

LETTER CCLXVIII. TO THOMAS THOMSON, ESQ.

My dear Thomson, London, 14th June, 1816.

I went to Lens immediately.* He had just been informed by Adam. My next object was to communicate the sad event to poor Attwater, the faithful, affectionate servant of our dear friend. There is something, in the conviction that he cannot have suffered any protracted pain. I fear, too, this is a release from sufferings of a keener sort, that were awaiting him, had he survived a little longer, in the accumulated distresses that are heaped upon his sister's family.

I agree with you, that I have never known any body in life of the same kind as Mr. Wilson. So circumspect an understanding, united with so much warmth of heart, and such refined sensibility: he had all the caution which age could gain, and retained for every thing that concerned the happiness of mankind, or the welfare and reputation of his friends, an ardour like that of youth. For some years past, he seemed to look upon himself as already separated from the world; but looking upon every thing that could be

* To Mr. Serjeant Lens, to communicate the death of Mr. George Wilson, at Edinburgh. See Vol. I. p. 192.—ED.

1816. Æt. 38. seen to go well in it, with an affectionate interest and benevolence. All that remains of him to you and to me, now, is the memory of him; and we shall, to the end of our lives, have a gratification in thinking of his goodness, and of the kindness he felt for us.

My dear Thomson, most affectionately yours,

FRA. HORNER.

LETTER CCLXIX. TO LORD WEBB SEYMOUR.

My dear Seymour, London, 15th June, 1816.

I was much obliged to you for your kind attention, in writing to me an account of the melancholy loss we have suffered of our excellent friend Mr. Wilson. It was an event I had long anticipated as too likely to happen any day; and all that one could wish on such an occasion has been granted, since he died without suffering, and without surviving his faculties, which I dreaded still more. You saw enough of him, to estimate highly both his worth and his intellectual merit; but he was one of those, who are well known only to intimate observers, and whom a friend could not know intimately without making daily discoveries of virtue and wisdom and sensibility. Under that calm and cautious exterior, and behind that modesty which was most apparent, there lay the utmost warmth of heart and anxiety of kindness, and an ardour for all good things fresh and sincere as any of us felt it in youth. And the wonder of all was, that he had preserved this through London and through Westminster Hall, and through all the habits of a lawyer's life. I have seen no such man altogether, and shall see none such any more.

You will not think it odd, that I have not said any thing of the friendly letter I received from you, while

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I was on the last spring circuit. I took it as you meant it; as the interposition of your authority as a friend, rather than opening a controversy with me. I think I could justify myself on many points, where you have mistaken me, or been misinformed about me; then there is a great allowance to be made, in your judgment of my conduct, for the considerable difference of opinion that still exists, as it has always done, between you and myself upon some fundamental points of politics, both foreign and domestic. I do not mean to say, that my views are right, and yours erroneous; that is a separate discussion; but that my opinions being allowed me, my conduct is to be estimated with reference to them, as every man will square his line of action for the opinions which he conscientiously believes to be well-founded. I will not pursue this any farther; I have read your letter repeatedly, which was what you intended me to do; and though I hardly confess myself as wrong on any particular as you think me, I feel sure that your advice will, even more than I may at the time be aware of it, keep me from going wrong.

My dear Seymour,

Affectionately yours,

FRA. HORNER.

Mr. Horner addressed the House of Commons for the last time on the 25th of June; and it was in the cause of religious liberty and of Ireland. The wrongs and misgovernment of that country had made a deep impression upon his mind: he felt that the harsh, intolerant, and ungenerous treatment of so large a portion of her people left a stain upon the character of England,

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and engendered a spirit of discontent, which impaired the strength, and endangered the safety, of the empire. Had his life been spared, we may safely affirm that he would have laboured, with unwearied zeal, to promote every measure that was calculated to advance the prosperity, and secure the tranquillity, of Ireland.

Sir John Cox Hippesley having brought up the Report of a Select Committee, appointed to inquire into the laws and ordinances of foreign states, regulating the intercourse between their Roman Catholic subjects and the See of Rome; Mr. Canning rose and said, — "That having been one of the majority which, on a former occasion, prevented the purpose of the honourable baronet from being carried into execution, he was desirous of showing the difference which existed between that period and the present. Then the measure proposed would have had the effect of impeding the progress of a Bill before the House; and, rather than delay a Bill of such consequence, he had no hesitation in declining the information which the honourable baronet had it in his power to give. But, on the present occasion, the honourable baronet could not have a warmer supporter than himself; nor had he the least hesitation in saying farther, that the information contained in the Report was necessary to the having the question fully understood. Deeply as they were all interested in the final settlement of the question, that settlement could only be valuable, in so far as it was founded on the firm conviction and cordial assent of all parties. He was anxious that it should now be finally set at rest, not on the romantic notion that, with it, every feeling of animosity would, at the same time, subside; but because he believed that the question was one, without the settlement of which

no other evil in Ireland could be radically cured; it was not only an evil in itself, but it was made the pretext for many more, and it aggravated them all. He was more and more convinced of the necessity of emancipation; and that with the conditions which it might be thought advisable to annex to the boon, the final settlement of the question ought not to be delayed. To this final settlement the Report of the honourable baronet could not fail greatly to contribute." 1816. Æt. 38.

Mr. Horner said, "He could not help congratulating the Catholics on what he had heard with so great satisfaction,—the sentiments delivered by the right honourable gentleman (Mr. Canning) who had lately acceded to the ministry. He could not help inferring, from the manner in which, as well as the occasion when, these sentiments were delivered, that they might look forward with better hopes and expectations, than they had ever yet had, of a speedy settlement of the great question of Catholic emancipation. When he coupled those sentiments, which the right honourable gentleman had just delivered, with the circumstance of his recent accession to the administration, he felt convinced, that the right honourable gentleman would not have expressed his increased sense of the importance of a final settlement of the question, unless he had previously come to a distinct understanding on the subject with the rest of the administration; and he felt this conviction the more strongly, when he called to remembrance the very manly grounds on which the right honourable gentleman stated, some time ago, that he had declined acceding to the same administration. He hoped, therefore, that the right honourable gentleman had not delivered his sentiments on this occasion merely as a member

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of parliament; that, in the next session, the question would not come before the House, as usual, merely in consequence of petitions from the Catholics; but that it would be officially brought in, by those who held the most prominent place in the councils of the country, and that they would no longer have to witness that trifling which, year after year, had been displayed, of men filling the highest situations of the government holding out this as a measure of the most vital importance, — declaring that no measure with regard to Ireland was likely to be attended with any good effect if it was not carried, — that Ireland could not otherwise be tranquillised, — and yet leaving a measure of such vital importance to the country, to be brought forward, not by themselves, but by those who could not have the same weight with themselves, and whose efforts could not, therefore, be expected to be attended with the same success."

The active part which Mr. Horner took, in so many of the questions that came before the House of Commons this session, may seem to indicate, and even to have required, when added to his increased professional occupations, a vigorous state of health. But this, unhappily, was far from being his real condition. In the two last letters to his father he speaks of being unwell, and, as usual, makes light of his complaints; his friends, however, had seen for some time, that his health required a much greater degree of care than he could be induced to bestow upon it. Symptoms of a pulmonary affection had now appeared, which gave them so much uneasiness and alarm, that they urged him to submit his case to the serious consideration of eminent medical advisers, and to yield implicit obedience

to their directions. He followed this advice; but, alas! it was too late. The fatal disease could not be arrested, although it appeared in so indefinite and indistinct a form, as to encourage hopes of his recovery to the very last. But it will be seen, in what remains to be read, that the increasing feebleness of his bodily frame, during the few remaining months of existence that were allotted to him, was happily unaccompanied by even the slightest change in the vigour and activity of his mind: these never failed, but continued unimpaired to the last day of his life. 1816. Æt. 38.

LETTER CCLXX. TO HIS MOTHER.

My dear Mother, Oxford, 13th July, 1816.

I have had leisure enough all this week to have written to you; but when one is quite idle, there is no time to be found. I have indeed been thoroughly idle, but pleasantly so, and quietly too. After all, I did not execute any of my schemes with Leonard, though that of coming to this place with him for a week seemed too good a project to be given up. But I found it hard to resist invitations, which I received when I gave out that I was to leave town; particularly one from Lord Buckingham, who had repeatedly asked me to Stowe, without my ever being able to go; and particular circumstances made it difficult for me to decline it this time.

I went to Woburn on Sunday last, and stayed there till Thursday: there was nobody in the house but Lord Grey's family, on their way to the north. This made it particularly agreeable to me, as I have a great admiration for Lord Grey's character, and feel much satisfaction and pleasure in his society. He

1816. Æt. 38. passes much of his time with his daughters, riding every day with three of them; I had a pony placed at my disposal, and joined their party; the Duke riding with us, and showing us a great variety of rides, both in the park and in the country round it. This exercise, and going early to bed, and following Dr. Warren's directions about regimen, are altogether, you will admit, a powerful attack made upon my old enemy the cough; and I begin to think I have made some impression upon him.

On Thursday, I went by way of Stony Stratford, across the country, to Stowe, where I was till this afternoon. There, too, I had the good fortune to meet only a small family party. It is a very magnificent place, worthy of all its reputation; too magnificent perhaps for so quiet a company as I found there, and more suitable for a large assemblage of gaiety and grandeur, and the bustle that attends them. There is something desert in great space and splendour, without crowds to enliven them. Nothing, I think, would exceed Stowe in a gala. The grounds are agreeably laid out, though the country admits of little variety of prospect; a great number of ornamental buildings, some of which are handsome, supply in some degree that want of objects and scenery, which gives such a sadness to all great parks, which do not let in views of the villages, and cottages, and footpaths of their humbler neighbours. The architecture of the house is very striking in its general effect, and gave me at the first moment I saw it from a distance, something like the impressions, which Versailles, and Versailles alone in the same degree, makes upon the eye. The body of the house has a front of 450 feet, and the offices extend so far in wings on each side as to make a length in all of 900 feet.

There are few good pictures in the house, but some remarkable portraits ; the most interesting of which is the Chandos Shakspeare. A greater treasure, is a library of 22,000 printed books for real use and modern reading; and a very valuable collection of manuscripts and state papers, which occupy a room by themselves, handsomely fitted up in the Gothic style; and which, for that reason, was described in the days of " No Popery," as the Catholic Chapel where the Grenvilles performed their superstitions. 1816. ÆT. 39.

I will write in a day or two to my father, or one of my sisters; in the mean time give my kind love to them.

My dear mother,

Most affectionately yours,

FRA. HORNER.

LETTER CCLXXI. TO LADY HOLLAND.

Dryden, near Edinburgh, 16th Sept. 1816.

My dear Lady Holland,

I was unfortunate in not meeting with you in Yorkshire. I staid a day longer at Sydney Smith's for the chance of it, and then I thought there was another chance of falling in with your march between Alnwick and York. It was not till after I had been here a day or two, that I learned by a letter from Lord Grey you had remained so late at Howick that I might have seen you by calling there; I was impatient, however, to get to my father's house, and to have done with the tiresome journey.

I am living at a retired and very beautiful place seven miles from Edinburgh, where I have only been once, in the morning, since I came. The weather has been cold and disagreeable, till within these two days; after a very sudden change, it is now deliciously warm and genial. This has given me a release from coughing;

1816. Æt. 39. but the shortness of breath is rather more incommodious than it was, which is the symptom I least understand, and like least. I am taking the advice of Drs. Thomson and Gordon, who do not alarm me much about the nature of my illness; but have imposed upon me a great many cautions against cold and fatigue.

I must expect to spend the greater part of next winter in the character of an invalid. My friends here have been very kind to me, coming from Edinburgh very frequently.

Ever yours affectionately,

FRA. HORNER.

LETTER CCLXXII. TO W. J. ADAM, ESQ.

My dear William, Dryden, 27th September, 1816.

Many thanks for your kind inquiries; I certainly do not get worse, and have no symptoms yet that appear to be more than warnings to take care of myself. I have been consulting Drs. Gregory and Hamilton, and am to see them again on Sunday, when they will pronounce judgment; I expect it to be a sentence of imprisonment, without hard labour. Gregory said already, "No vociferation, Sir — even if you are paid for it:" this is hard enough upon one of my craft. I am quite perplexed about next sessions; I would stay away, if I thought I might do so without future injury; but then I have nearly a certainty of not being permitted to attend at Wells in January, so that I shall seem to abandon them entirely; having absented myself, for another reason, this year already. Tell me your mind. I mean still to set out for London upon the 5th.

Yours affectionately,

FRA. HORNER.

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Æt. 39.

LETTER CCLXXIII. TO LADY HOLLAND.

My dear Lady Holland, Dryden, 27th Sept. 1816.

I was going to postpone writing to you till after Sunday, when I am to see Drs. Gregory and Hamilton a second time, and receive their sentence. But I cannot so long delay thanking you for the kindness of your late letters to me. How happy I should be in your house under your care, in the way you propose! But I had before settled to adopt another plan, which I think you will approve of. One of my sisters has offered to spend the winter with me in Russell Street, and we shall set out for London on the 5th, the end of next week; unless my two, or as I ought to say, your two doctors, interpose other advice. I will write again; and must not write more at present, this being one of the things I am forbid to do, on account of the stooping. Once more accept my thanks for your most delightful letters, and for the proofs you daily give me of your kind friendship.

Affectionately yours,

FRA. HORNER.

LETTER CCLXXIV. FROM LORD HOLLAND.

Dear Horner, Holland House, 28th Sept. 1816.

Why did you not write? We expected a letter from you to-day, and hoped to hear good accounts of your health. Here is John Russell, who used to be our invalid, quite well and strong, and not a little delighted with one of our guests, Foscolo — a native of the Greek Islands; who, while completing his education in Italy, was overtaken by the great events of 1796 and 1797, joined the Cisalpine Republic,

1816. Æt. 39. and forfeited Bonaparte's favour, by the uncourtly mixture of admonition which he infused into a speech of congratulation on his election to the Presidency of the Italian republic in 1802. He has since that time served in the army, been imprisoned, persecuted, and suspected, till, on the battle of Leipsig, he espoused the falling fortunes of Bonaparte with zeal, and has now refused to take oaths to the Austrian government, and come to settle here for twelve years, during which he hopes to be able to compose something that may give him an existence with posterity. His learning and vivacity are wonderful, and he seems to have great elevation of mind, and to be totally exempt from affectation, though not perhaps equally so from enthusiasm, violence, and resentment. Chateaubriand's pamphlet, which I have not, and will not read, has excited both him and Allen to no small degree, and I should hope that, between them, they may devise some method of exposing it and its author.

As my lady has written to you lately, I conclude you have heard that they have had the meanness to abridge some of the few comforts which they had left within the reach of Bonaparte, and even thrown new obstacles in the way of his acquiring intelligence of what is passing, and securing to himself the satisfaction of communicating to the world and posterity his views and knowledge of what has passed. We must at least take care that some of the base lies of 1815 shall not receive the same credit with posterity, as they have done in our time.

We hear no more of dissolution. The King was seriously ill some few days ago, which would force one. There is a report of bad news from North America.

I think sinecures will not be able to stand the

clamour. Apropos to that subject, — I and your friends ought to take shame to ourselves for not stating, when first the subject was started, the real state of the case with respect to your commissionership. It was natural to hold such vulgar calumny cheap, but I believe the people are in a temper where they listen to such lies with some pleasure, and even draw inferences as to public measures of men upon them, more than they have done for years. 1816. Æt. 39.

Yours, dear Horner, sincerely,

VASSALL HOLLAND.

LETTER CCLXXV. TO LADY HOLLAND.

My dear Lady Holland, Dryden, 30th Sept. 1816.

Dr. Gregory, with the concurrence of the other physicians, is of opinion that all is sound yet, no harm done, but that care and precaution next winter are indispensably necessary; not only against cold and fatigue, but every degree of exertion. They have positively interdicted me from my profession during the winter, and have strongly advised me to pass the cold months of that season and the spring in a southern climate. I put in a word for two warm rooms at home, in which I would promise to confine myself; but they urged the importance of getting to a climate where I might still have open air and regular exercise. That consideration, and a conviction that after this opinion has been delivered by them, my family would feel constant anxiety if I did not follow it, have determined me to go abroad. My brother has offered to go with me, wherever it is; and we shall set out for London on Saturday, where I must be for two or

1816. three days, in order to make some necessary arrange-
Æt. 39. ments....

I think I shall go at once to Naples, and remain in Italy till the spring is over, and summer fairly begun. But I want much instruction and advice, and for all this you must let me come to you. Will you let my brother and me pass two or three days at Holland House? It is a great journey to undertake; but I have more courage for that, than for the sufferings of a sea voyage.

Ever affectionately yours,
FRA. HORNER.

LETTER CCLXXVI. FROM LADY HOLLAND.

Holland House, 1st Oct. 1816.

I am glad *my doctors* send you from the keen air of your native mountains; it must be insufferable, but they will not mend the matter by sending you into London. I accordingly trust to your docility, and your sister's good-nature, in expecting you to drive from Barnet straight here, where you will occupy three south rooms, regulated as Allen shall direct, and have your hours, and company, and occupations entirely at your own disposal. Such books and papers as you may require can easily be brought from your own house. Remember your own house is in the heart of London, your sitting and bed room exposed to the *east;* that, with your facility to all who ever pretend from acquaintance to friendship, you cannot be denied at your door; that the calm, which is so necessary to you, will be perpetually broken in upon. These three rooms open into each other, and are perfectly warm; your servant will sleep close to you, and your sister will have a room adjoining to this apart-

ment. Pray spare me all the commonplace compliments of giving trouble, and taking up too many rooms. What you know I feel towards you ought to exempt me from any such trash. From henceforward, till June, when I look forward to a thorough amendment, you must lay your account to have me, heart, soul, and time, entirely devoted to your welfare and comfort; and I am satisfied in this, because Allen says it is right. I am afraid your sister may think it a bad exchange, from living solely with you, to come amongst strangers; but tell her I already feel warmth towards her for her affectionate intention of nursing you, and that I will try and make her residence as little irksome as possible. Do, my dear friend, yield to my entreaties. As to abroad, I look upon it as fatal to an invalid,—the coldness of the inns, the bad and uncertain accommodation, the smoky chimneys, the unceasing squabbles, which, from the hatred against the English, are arrived to such a pitch as to be real grievances, the total want of all comforts of every kind, will have, I trust, put it out of the question. Nothing but a sea voyage to Cadiz, or Valencia, or Majorca, can be thought of with reference to any real benefit. The travelling in your case would, I am persuaded, produce the mischief; for, thank Heaven, all that is necessary at present is to prevent any forming, and exposure to cold would be the inevitable forerunner of disease.

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Good bye—take care of yourself; do not write, and employ a friendly hand to say how you are going on. As you set off on Saturday, Allen will write to-morrow, and direct his letter to Dunbar. I shall write to you to Ferrybridge, perhaps Durham, if any thing occurs; only let your sister be good enough, wherever you sleep, to write a few lines to say how you bear the

1816. journey. Lord Auckland left us just now; he promised a letter to you of chit-chat.

Æt. 39.

Yours faithfully,

E. V. H.

LETTER CCLXXVII. FROM LORD HOLLAND.

Dear Horner, Holland House, 1st Oct. 1816.

I think on every account that you and your sister had much better come *here* in the first instance, as it would be very foolish to encounter the bad air of London without necessity. Lady Holland is very anxious you should do so, and I shall leave to her the task of persuading you and Miss Horner to acquiesce.

Has she told you about Foscolo, our late inmate here? He is without exception the liveliest and cleverest man I know, and I should think full of good qualities as well as talent. In genius and vivacity like Erskine; but Erskine with fixed opinions, great and various knowledge, and affections as warm as his imagination. We are all here *engoués* with him.

You will see I was taken in to preside at a Drury Lane meeting. No dividend — but a divided directory. It is a bad concern — all except Kean's acting. I saw him in Othello yesterday; by far the finest acting I ever witnessed on any stage. He outdid himself, and I am confident Garrick himself never acted a fine part in Shakspeare better. I am sadly afraid your countrymen at Edinburgh will form too cold an audience for such a genius, as I am more than ever persuaded that little man is.

Yours ever,

V. HOLLAND.

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LETTER CCLXXVIII. TO LADY HOLLAND. ÆT. 39.

Dryden, 4th Oct. 1816.

I will not offer you a syllable of thanks, my dear Lady Holland, either on my own part, or my sister's, for your letter to-day and Lord Holland's. Nothing I could say would express what I feel. You have already learned my change of plans; I keep, however, to my day, and set out with my brother to-morrow. We will drive, as you have bid me, from Barnet to Holland House; and in all probability shall arrive there on Thursday next. When there, I shall profit by your best advice about my travels. All the four physicians here urged me to go abroad; Gregory and Thomson were the most urgent; the former would not hear of two warm rooms and confinement; and since I intimated to Thomson that I was ready to adopt their advice, he has repeatedly said he is convinced it is the safest and best course for me. The reason that has weighed most with me is, the opportunity of getting a little exercise most days in a southern climate, or at least with a short interval of confinement; whereas, if I remain in England, I must lay my account with an imprisonment of several months. The effects of this upon my constitution I have formerly experienced, and am not encouraged to repeat the trial. Besides sinking and wearing out the spirits, it is very hurtful to the whole machinery of the stomach; and a derangement of that organ, or some part of the apparatus belonging to it, if not the original cause of my ailments, forms a principal part of them. I do not mean, however, to be determined by my own reasonings on the point, still less by any secret wishes to turn this misfortune of mine (for it

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is a very serious one to be interrupted in my profession) to the most advantage, but shall be infinitely more swayed by your opinion and advice. That of the physicians must in the end decide the matter. I have told you what they say here; Thomson said he would write once more to Allen; and when I get to town, I will consult Warren again. If I go abroad, the south of Italy (that is Naples, or its neighbourhood) seems from all I can hear to be the most advisable. If I was to go to Spain, my poor mother would dream of nothing but Fernan Nuñez' application to Castlereagh*, which somebody unluckily told her of; and wherever I am, a little of English society in the morning must be part of my medicine. Had Anthony Maitland been going out immediately to the Mediterranean, I would not have declined the offer which Lord Lauderdale most kindly said he would have made, of taking both me and my brother; in so comfortable a way, I would have ventured on the experiment of a voyage, though hitherto my sickness has always lasted the whole time I was upon the water. I am in hopes, that by warm clothing and moderate journeys, I may perform the land journey without fatigue or exposure to cold.

All this while, I have never said a word about your indisposition. I trust the threatening proved a

* In a discussion on the 1st of March, 1815, respecting the conduct of the British authorities at Gibraltar, in delivering up to the Spanish government some Spaniards who, on account of political offences, had sought refuge there, Mr. Horner spoke of the King, Ferdinand, in very strong terms of reprobation. He described him as being hated and despised throughout the Spanish nation; and expressed a hope that the people of Spain might be excited to reassert their rights, and depose Ferdinand. The Spanish Ambassador applied to the government (much to the amusement, it is said, of the Foreign Secretary), to have the member punished for speaking of his Catholic Majesty in such terms.—Ed.

false alarm, and that I shall find you on Thursday quite well again. 1816. Æt. 39.

Morpeth, Sunday Evening. I have had two days of travelling, and am nothing the worse for it ; coming very leisurely, and taking every precaution against cold. The weather has been delightfully mild. I am becoming quite expert in the selfishness and egotism of an invalid.

Your accounts of Foscolo are so interesting, that I am quite impatient to see him. Thank Lord Holland for his most kind letters.

God bless you, my dear Lady Holland.

Affectionately yours,

FRA. HORNER.

LETTER CCLXXIX. FROM SIR SAMUEL ROMILLY.

Knill Court, 6th Oct. 1816.

Many thanks to you, my dear Horner, for the trouble you have taken respecting the portrait. You have a good deal disappointed me by not saying any thing about yourself. I was in hopes, though your own health is a subject which does not, I believe, occupy much of your thoughts, that I should have heard from you that you had quite got rid of the cough with which you left town, and that you had no remains of that languor which I think I lately observed in you. I have often longed to tell you, and I avail myself of this opportunity of doing it, that I do not think you nearly as careful of yourself as you ought to be. If you took little account of your health for your own sake, and for that of your friends, yet your regard for the public good should induce you to pay the utmost attention to it. You will not, I am sure, suspect me of flattery, though your modesty may

1816. Æt. 39. question the soundness of my judgment, but it is my most sincere opinion, that there is no public man whose life it is of such importance to the country should be preserved as yours. Lady Romilly desires to be most kindly remembered to you.

Ever, my dear Horner,

Most sincerely yours,

SAMUEL ROMILLY.

LETTER CCLXXX. TO HIS FATHER.

My dear Sir, Great Russell Street, 11th Oct. 1816.

We arrived to-day soon after twelve, and I have already seen Dr. Warren. He wishes me to see Dr. Baillie, and to state my case without communicating either what he, Dr. W., has said to me formerly, or what I understood from my physicians at Edinburgh, in order that he may form his own opinion, and afterwards confer with Dr. Warren. I have accordingly written to Dr. Baillie, requesting him to name a time when I may call upon him.

Dr. Warren said to me there is a nicety in the case; an equivalent expression, I suppose, to one Dr. Thomson used, that there was an anomaly in it. You shall hear exactly what they tell me. I found your kind letter, besides others from all the family. We are much comforted by knowing that they are all well. My kind love to them.

My dear Sir,

Most affectionately yours,

FRA. HORNER.

I ought to tell you that Dr. W. thought me looking better than when I left town.

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LETTER CCLXXXI. TO HENRY HALLAM, ESQ. ÆT. 39.

My dear Hallam, Holland House, 14th Oct. 1816.

I have heard of your kind inquiries and your friendly anxiety; if I were not under orders to be very taciturn, and almost constantly in a state of repose, I should have made a point of seeing you; but I fear I shall not have that pleasure before I go abroad.

I have made up my mind to a system of exclusive attention to my health, for some time. From all I hear, Pisa, or some one of the small towns in that part of Tuscany, will be the best residence for me during the three or four months of winter; if my health improves, I shall be tempted to go farther south about the end of March, for I do not mean to come back till the east winds have ceased to blow here. It will be, as you know, a great act of kindness to write to me as often as you have leisure. I shall be anxious and nervous about public matters at home, till this lowering winter is over, and most of all about the state of the public mind, which I look upon as very diseased at present, and much inclined to give ear to quack doctors, and to try the experiment of violent prescriptions. As the people never dies, we shall get through the actual malady, and become prosperous again; but I dread what sacrifices we may be tempted to make of essential principles of policy, and especially of those which guard and consecrate property.

Upon the subject of the public debts, I look upon the whole body of country gentlemen to be altogether unprincipled; as eager and sharpset for rapine, as the Jacobins ever were for their acres. Then you

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have a very feeble ministry; and, between their financial difficulties on the one hand, and the clamours of the idle-headed reformers on the other, I fear they will be base enough to make compromises that will produce no real ease to the state, but which will leave the lasting mischief of bad example and violated principle. Never were virtue and good sense on the part of the House of Commons more fervently to be prayed for. If, under such a conjuncture as the present, they shall compel the reduction of the army, and at the same time strengthen the government with an efficient system of taxation, abstaining from all predatory inroads upon property of any description, they will make our liberties immortal; and if they do not do all this, these liberties have not much longer to survive.

Give my very kind regards to Mrs. Hallam,

And believe me most truly yours,

FRA. HORNER.

LETTER CCLXXXII. TO HIS FATHER.

My dear Sir, Holland House, 14th Oct. 1816.

As I saw Leonard write a long letter to my mother this morning, I dare say he has said every thing respecting Dr. Baillie's visit yesterday that I could report. Allen is to write fully to Dr. Thomson, and will desire him to show you the letter, that you may know with precision and exactness the view which Dr. B. takes of my disorder.

A good deal of the conversation passed not in my presence; but from what he said to myself, coupled with what I have heard of the rest, I think there is fair reason to conclude, first, that the removal of this

disorder may be effected by care and precaution, if I get no accession of accidental cold; and, secondly, that the scheme of going abroad affords the most favourable means of carrying that system of precaution into effect. I am to see Dr. Warren again, after he has had a conversation with Dr. Baillie, and I shall endeavour to have another consultation with the latter also; who has behaved very kindly to me in coming out of town to see me, contrary to his general rule. 1816. Æt. 39.

He said to Allen, that he had never known an instance of a consumptive disease of the lungs without fever; and also, that he had never known such a case occur without loss of flesh. My total freedom from fever, and my recovery of flesh while I was in Scotland, of which there is no doubt, he considers accordingly as affording great encouragement to the most favourable expectations.

Leonard is making every preparation for our travels; for though not formally decided upon by the doctors yet, I look upon it as next to decided that we shall go. And by all accounts Pisa, or some one of the towns in that part of Tuscany, such as Massa, will be our best residence for the winter. My kindest love to my mother and all my sisters and nieces.

Most affectionately yours,

FRA. HORNER.

LETTER CCLXXXIII. FROM THE REV. SYDNEY SMITH.

My dear and excellent Friend, Howick, 16th Oct. 1816.

I have seldom received any piece of intelligence with more sorrow than that of your intended journey

1816. Æt. 39. to the Continent, and of the state of your health which makes it necessary.

No man ever left his country more honoured and more beloved by all good people, or more followed by their earnest wishes for his safety.

If you wish to make Mrs. Sydney and me happy, you will tell us of your welfare. We shall both bless the day when we see you again in your ancient health.

God grant it may soon come.

S. SMITH.

LETTER CCLXXXIV. TO MRS. L. HORNER.

My dear Anne, Calais, 22d Oct. ½ past 3.

I am safely deposited in the inn on this side of the water; our passage was four hours and a half, with a fine wind at first, which fell calm for some time, but rose again, so that we made the harbour without losing our tide. Leonard was for some time very sick, but was quite fresh and well before we quitted the ship. He remained on deck. I had myself laid in a *birth* at once (I wonder they do not call it a death rather), and resigned myself to my fate in a recumbent posture; but all my wretchedness is over now, so I will not keep up the recollection of it. We shall not start till to-morrow morning and, as we do not mean to attempt to travel more than fifty English miles a day, it will be Saturday forenoon before we arrive in Paris; where I have apartments already secured to me in the Place Vendôme, and orders gone before me to have fires lighted; by the politeness of a French gentleman whom I met with at Lord Holland's, whose lodgings

these are. There is no end to the kindness of every body; but Leonard's is greater than all. He is, I think, quite well; indeed, remarkably so, not a tinge of yellow, of the breadth of a hair, in any part of his face. He will probably add something in the other page; he is at present busy at the quay. We shall not hear of you till we reach Paris; but there I trust we shall have good and full accounts. My tenderest remembrances to dearest Mary: I hope the other two children will be like her, I cannot wish them to be better. God bless you.

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Affectionately yours,
FRA. HORNER.

LETTER CCLXXXV. LORD HOLLAND TO MR. HORNER'S FATHER.

Dear Sir, Holland House, 24th Oct. 1816.

Your letters shall be duly forwarded to your son. All his friends here are sensible of the advantage of his kind and affectionate brother Leonard being with him, and cannot but admire the disinterestedness of Mrs. L. Horner in promoting such an arrangement.

We had the satisfaction of finding the opinions of the London physicians less unfavourable than those of Edinburgh had been represented to us; and though I am not sanguine enough to think there is no cause for uneasiness, I certainly parted with him with a better opinion of his prospects than I entertained from the reports I had heard. His countenance was better, and both he and his brother maintain that he has gained flesh, which, if well ascertained, is a very consolatory symptom indeed, and one that outweighs very many of a less favourable description. No thanks are due to us from him or his friends. I am

1816. Æt. 39. quite sure that nothing would make Lady Holland or myself happier than the power in any degree of promoting the recovery or contributing to the comfort of one of the best friends and best men I ever knew. You may depend upon it, my dear Sir, that there is no man in England who has more sincere friends, as there is certainly none who deserve them more; and there is none who has greater pride in reckoning himself one, than your

Obliged humble servant,

VASSALL HOLLAND.

LETTER CCLXXXVI. TO LADY HOLLAND.

My dear Lady Holland, Paris, 29th Oct. 1816.

Several little things to be done have kept us one day longer in Paris than we meant; but I think we shall certainly be off to-morrow, early enough to reach Nemours. I have just received your packet of last Thursday; it is a vast comfort to both of us to get our letters so surely and frequently, and I am particularly pleased on my brother's account that his separation from Mrs. Horner and his children should be relieved as much as possible from any continued anxiety. I find I must trouble Allen with a medical epistle, so I shall not burden you with any more egotism of that sort to-day.

Ward* lives within three doors of us, and has been here repeatedly; very pleasant and entertaining; he sat by my bedside yesterday, that is my sofa, while Leonard went to see Talma in Hamlet. His master, he says, is to remain some time longer here; a fortnight

* The Hon. J. W. Ward, the late Earl Dudley.

or more: and he seems to suspect, that Canning, besides re-conducting his lady home, has some political reason for being here at this time; but he evidently makes no confidences of that sort with Ward. Canning is of opinion, that the Ultras are about to commit a great fault, in declaring themselves for a free press; and he tells them so: the spirit of a party question carries them for the moment so far out of their own element, that an old emigrant magistrate, whom I knew in London, a *President à mortier* of one of the Parliaments, and who, in all his opinions, is for every thing of the old régime, maintains that nothing will save France but the liberty of the press. This is not founded, that I can hear, upon any speculation that the country might be roused by the press to any declaration in favour of their views; but was suggested first by the proceedings against Chateaubriand's pamphlet, and is kept up by feeling that they have here a change, and a general question to debate, in which they will have the general feeling of the nation with them against the ministers. But besides this, and accusations of undue and unconstitutional influence in the elections, with which they are to open their campaign, they talk of other popular questions, such as abolishing the qualification of age for the chamber of deputies, enlarging the number of that assembly, and giving it the initiative. I am afraid the Ultras have more of the discipline, as well as zeal of a party, than any of their rivals. 1816. Æt. 39.

I told you of Madame de Souza's kindness to me, in preparing for my arrival, and coming to see me immediately; she has paid me a visit every day, and while she had the goodness to amuse me by conversing in my hearing, she enforced your instructions in prohibiting me from taking a part. There is some-

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thing very pleasing in her affection for her son *, and her anxiety on his account. Pray take some opportunity of saying to her soon how gratefully I feel her unexampled kindness to a stranger. We shall write from the road in a day or two.

Yours ever most affectionately,

FRA. HORNER.

LETTER CCLXXXVII. TO MRS. DUGALD STEWART.

My dear Mrs. Stewart, Lyons, 6th Nov. 1816.

I know you will be glad to hear that I have got over so much of my long journey, without suffering from it in the least; either by fatigue, or by fresh colds, from which I have been hitherto wholly exempted. I am therefore altogether as well as when I left London, and by that time my general health was improved, in many respects, from the condition it was in when I went into Scotland. The pulmonary symptoms, whatever be their real nature, remain much the same; but of course I was not led to expect any rapid amendment in that particular, or before I am quietly fixed in some sheltered sunny spot. We have had delightful weather for crossing France; ever since Sunday the 27th, mild air, and a bright sky. They call it the summer of St. Martin, which I do not remember to have heard of in our island; I suppose because we want the season, for we have the Saint. The superstition of the thing is, that it lasts till the 11th of this month; and as in all these matters the day named is inclusive always, it is the very day we shall have for crossing Mont Cenis, for passing the snowy ridge which bounds that land of the

* General de Flahault.

sun, where we shall know ourselves to be independent of all your frosts and fogs, in which you, on the wrong side of the mountains, lose half your lives and half your genius. That day's work seems the most formidable part of our undertaking; but having done it before, I know it is only the business of five or six hours, and we have a carriage which is perfectly closed against cold air. We are not sure yet where we shall fix; for nothing can be more contradictory than the reports we have received, upon apparently good authority, respecting every place we have thought of. It is now reduced to a choice between Pisa and Rome; and in our present state of information the balance is in favour of the latter; independently of all little by-arguments for it, such as the probable residence of Mr. Playfair and the Lansdownes there for part of the winter. 1816. Æt. 39.

I saw Ward at Paris, where he talks of remaining during the winter; and I could not help envying him the opportunity of seeing so near at hand the proceedings of a most critical era in the history of French liberty. Not that we should probably take the same sort of interest in the same things. When I talk of the moment as critical for French freedom, it is not that I expect any sudden turn of affairs, or that I have heard of any thing like a party politically formed in favour of liberal institutions; quite the reverse. The few friends of rational liberty that are to be heard of seem broken-hearted, and they are systematically excluded from the public assemblies. But I cannot believe that a deliberative assembly, with a party in opposition to the existing administration, can regularly meet and debate in the present circumstances of this country, without gaining some ground for the action of public opinion; however ill the as-

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sembly may be constituted, and however miserable the views and intrigues of the contending factions that compose it. The accidental jostling of their wretched interests has produced this whimsical and fortunate combination, that the Ultra-royalists are to attack the ministers for breaches of the law in the late elections, and to press upon them the urgency of more freedom for the press, and of a better constitution for the chamber of deputies. Is it not reasonable to conclude that these things are considered as deeply seated in the wishes of the nation at large, when such a party as the Ultras force themselves into topics so revolting to their real sentiments, in order to play the game of popularity against their antagonists? The nation at large seems quite idle and calm upon all those political discussions; but there is a preponderating weight of settled opinions and habits; and, what is as good, of proprietary interests, all leaning one way. I am inclined to think that it is as much at this day, as it was in 1789, a question between the whole people on one side, and a handful of nobles and priests on the other; with this difference, that the contest is not with the nation wild and zealous and full of ardour for immediate action in politics, but with the nation in full possession of equal rights sanctioned by law, and conscious of a real enjoyment in the possession of that civil equality. No counter-revolution can destroy this; however the presence of foreign forces may retard the acquisition by the people of a direct share in the political administration of their affairs. It is impossible to see and hear of the present condition of the French people in detail, without a conviction that the solid benefits sought by the Revolution for them are permanently secured and already substantially enjoyed.

I hope you will write to me; send your letters to Charlotte Square. When we are settled, I will write again, and I will try to keep out of dissertations; but in going through such a country, one's heart gets full; and there are so few but yourself to whom I can vent my sanguine illusions. 1816. Æt. 39.

My kindest regards at Kinneil.*

Ever affectionately yours,

FRA. HORNER.

LETTER CCLXXXVIII. MR. L. HORNER TO LADY HOLLAND.

Dear Lady Holland, Susa, 11th Nov. 1816.

As I find the courier for Lyons passes through Susa to-morrow morning, I will not lose the opportunity of giving you the earliest information of our having this day got over Mont Cenis safely and well. We left Lans le bourg at half past nine, were on the summit in three hours, at Molaret at half past two, and at this place a quarter before four. The day was clear and beautiful. Yesterday there was a fall of snow and rain, and to-night there is a very high wind, so that we have been exceedingly fortunate in passing during a favourable moment.

We meant to have slept at Lans le bourg last night, but got no farther than Modane for want of horses, from which place we started at six, not to lose a day. The thermometer at that time was 30°, at Lans le bourg at half past nine 31°, at Molaret at three o'clock 38°; but by keeping a candle burning in the carriage all day, according to Mrs. Abercrombie's direction, and with the vessel of boiling water, the air of the carriage was not under 60° the whole day. My brother has not coughed at all to-day, and he is

1816. Æt. 39. now (8 o'clock) fast asleep in bed, I think I may safely say in no degree injured by the journey, beyond the fatigue which a journey so long continued, and with so little enjoyment, might be expected to create.

I am, dear Lady Holland,

Very faithfully yours,

LEONARD HORNER.

MR. HORNER TO LADY HOLLAND.

(On the same paper.)

I confirm all this; after a night's rest, from which I have awaked without any symptom whatever of having caught cold. The journey from Lyons has been fatiguing, particularly in the long La Maurienne, where his Sardinian Majesty's postes royales are but very poorly provided. The Mont Cenis is nothing of an exertion, the road is so admirable; our ascent took exactly three hours, with snow upon the road all the way, but not more than ankle-deep; the descent to this place, which is near 3000 feet lower than Lans le bourg, on the other side, was a pleasant trot of two hours and a half, without ever using the drag, or thinking of it.

Most affectionately yours,

FRA. HORNER.

LETTER CCLXXXIX. TO MRS. SYDNEY SMITH.

Dear Mrs. Sydney, Turin, 13th Nov. 1816.

For the same reason that I wrote to you from Calais, I send you these few lines, to give you the earliest intelligence of my farther progress. We are fairly across the Alps, and I have neither caught any

fresh cold in the course of this long journey, nor suffered any increase of my unfavourable symptoms, from the irritation and irksomeness of travelling as an invalid such a length of way. You see how literally I have understood all your kind expressions, when I send you a letter from such a distance merely to give a word about myself. Had there been any thing new to learn about the places I have passed through, I could not have learned it; for I step from my carriage to my bed, without looking about me. I am quite well enough, both in the carriage and in my little bed or crib, to read a good deal, and to occupy myself with much pleasant reflection on the kind friends in England who have made my past life so agreeable, and with dreams of probably returning to that life and my friends, with as much health to enjoy them as before. I shall have some virtue to practise in order to deny myself the gratification of as much English society in Italy as I might find; for part of the regimen prescribed to me, is a degree of silence worthy of a disciple of Pythagoras. 1816. Æt. 39.

Do write, and make your letter very detailed and particular about every person and thing at Thornton: you do not know what a luxury it is abroad to receive English gossip respecting those we love, and the relish of this, which I knew before, is prodigiously increased by the restraint and imprisonment of my present condition.

We are not yet arrived at a warm climate. This is a bright day, with a clear keen air — the thermometer at 40°; I dare say it is not lower at Thornton.

With kindest regards to Sydney,

Very truly yours,

FRA. HORNER.

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LETTER CCXC. TO LADY HOLLAND.

My dear Lady Holland, Turin, 13th Nov. 1816.

Though we had the precaution to write to you from Susa, as soon as we were fairly over Mont Cenis, I question if that letter will reach you sooner than this; for in all probability the passage of the mountain is at present stopped. We had not been two hours in our inn at Susa, when, a little after sunset, a violent wind rose all at once, which blew a hurricane; and they told us it must be a *tourmente* upon Mont Cenis, and that we were fortunate in having passed. Next morning, between seven and eight, just after I had despatched my letter to you, there began a thick shower of snow, as serious as I have seen it at Edinburgh on Christmas-day; and this accompanied us all the way down the valley for more than twenty-five miles; the snow lay near a foot deep on the ground. Before we got to Rivoli, which is the exit of the valley, we found it lying thinner and thinner, and the light to the eastward under the clouds brightening, till we emerged at once, at the head of the plain of Lombardy, to a clear sky and green fields. We have found it pretty cold here, however; a keen air, with the thermometer as low as forty degrees, which we should be ready to complain of in London on this day of November, ay, or at Edinburgh. I have nothing to say about my health different from the last account, and I rejoice for your sake, and my own, that we may pass by that subject for once.

I think we have told you that we shall not decide upon our winter quarters till we get to Bologna; where we shall halt a day or two. I have heard something to-day, which is in favour of Pisa again; from M. Grassi, a

gentleman to whom Foscolo gave us a letter. Pray tell him that we are pleased with his friend, and that we are obliged to him for taking much trouble to give us information. He has himself been obliged to reside on the other side of the Apennines for health; and though he prefers wintering in Naples, as a place where it is impossible to die, he gives Pisa the preference over Rome. Pisa, he says, has occasional cold winds in the winter; but not above three or four times, for three or four hours at a time. Rome has no cold winds; but a humidity during the rains, which penetrates the skin. If that is a true account of the matter, that sort of wet must be the worst sort of cold. He says one must leave Pisa by the middle of March, the spring there, as all over Tuscany, being variable in the extreme. 1816. Æt. 39.

I have been reading Sismondi's Republics, by way of preparing myself in the geography and history of Italy. After going through about five volumes, I am forced to say he seems to me a very poor writer, and greatly below the name he has got: his sentiments and principles are in general correct, and all lean the right way; but there is a want of mind in the book, and a poverty of composition that, in spite of his subject, make the reading of it fatiguing. I have accordingly made a jump from him to Machiavel, and shall not be soon tempted again to break one of my oldest rules about reading history—to keep to the original, and, where they are to be had, to the contemporary authorities.

Being arrived in the capital of a great state, I sent round to the booksellers' shops for new publications; but the universal answer was, there were none. I sent for a bookseller, from what they call the best shop, and asked him if there were no

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pamphlets, no dissertations upon their trade, or their manufactures, or their agriculture, or their new laws, or their old laws revived; he crossed himself, and said it was forbidden, they had none of these things, there had not been a new publication in Turin he did not know the time. Yet this is the country of Alfieri and La Grange.

It is now quite the latest moment; and the courier having arrived about an hour ago, we have this moment received the delightful packet of letters so carefully put up by you. I have only had time to run my eye over them, to see if there was any thing to answer immediately: much I see to amuse me this morning, and much for our consideration about Pisa, to which you see I am already more than half inclined again. It is distressing to hear how much Lord Holland is suffering. We shall stay another day at this place, and perhaps I may write again. The courier was stopped on Mont Cenis by the snow.

Ever, my dear Lady Holland,

Most affectionately yours,

FRA. HORNER.

LETTER CCXCI. TO HIS MOTHER.

My dear Mother, Genoa, 18th Nov. 1816.

My last letter was to my father from Turin on the 14th; when I told him that we had that day, after full consideration, made up our minds to go to Pisa, at least in the first instance, and to make it our winter quarters, unless we shall find it colder than we have reason to expect. We took three days to

come here, though we might have made the journey in two, had we been more accurately informed as to the time required, and as to the inns where we could sleep. We stopped at Asti, and the following night at Novi. The road all the way from Turin to this last place, that is, to the foot of the Apennines, for it lies immediately under them, is quite level; and, in the present dry season, as smooth a gravel road as was ever seen, and the posting upon it excellent. Asti is one of the oldest towns in Italy, and looks more like former ages than the present. Their greatest poet of modern day, Alfieri, was a grandee of this town, and had a palace belonging to his family, which his sister is at present living in. As Leonard went to see it, you will have some description of it in the journal he sends to Anne. Between Asti and Novi, we travelled over some very famous ground in the military history of modern Italy; first, the fortress of Alessandria, which was constructed in the middle ages, by the free cities of Lombardy, when they were struggling for their independence, and they chose the situation with so correct a judgment that it opposed an effectual bulwark against the last invasion of the Emperor Barbarossa, and forced from him the recognition of their liberties; since that period, it has been always an important place in the wars of Italy; and Buonaparte, when he demolished all the other fortresses, preserved this and Mantua, as the two bulwarks of his empire on that side. After Alessandria, we passed over the plain of Marengo, where he gained the most celebrated of his victories; and in the neighbourhood of Novi, where we stopped for the night, Suwarrow gained his great battle against the French, in which their general Joubert was killed. The road

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1816. Æt. 39. from Novi here is over the Apennines, by a bad paved road, which is fatiguing, though the whole height is not very great. We had a fine bright day, and from the eminence, called the Bochetta (or little mouth, from the narrow aperture by which the road passes from the one side to the other), we had a noble view of the Mediterranean, smooth and bright as a looking-glass, beyond the brown mountains lying below us. It is indeed a very striking prospect; but I shall not attempt to describe it more particularly, or to give you any notion of the grandeur of the first sight of this town.

I have for the last four days felt myself remarkably well and alert, and quite free from coughing, though we have had a good deal of cold. I do not say that my breathing is easier, but my general feeling of health has been better, and I have not put the breathing to any severe trial; for as the staircases here are remarkably high, I had recourse to a sedan chair, in which I was carried up to my apartment. I have had the pleasure to find all the Minto family here, who have been good enough to waive all ceremony and visit me in my inn.

We shall probably leave this place for Leghorn to-morrow; for I find that by far the easiest and best way of transporting ourselves to Pisa, is to take that coasting voyage, which we shall probably perform within twenty-four hours. At Leghorn we shall not be much more than a dozen miles from Pisa; so that in all probability, we shall keep to the time I mentioned, and arrive at our final destination in the course of Thursday. You shall have a letter by the first post that leaves Leghorn after our landing; but as we shall then be a good many miles more to the south, you must not be uneasy if there should be

some intervals between your getting the present letter and the next. God bless you, my dear mother. 1816. Æt. 39.

Most affectionately yours,

FRA. HORNER.

LETTER CCXCII. TO LADY HOLLAND.

My dear Lady Holland, Pisa, 29th Nov. 1816.

We are at last arrived here. I expected to have announced this to you a week ago, but we were a week detained at sea in coming from Genoa to Leghorn. We arrived here yesterday, and are occupied in searching for lodgings, which seem difficult to be had on the proper side of the river. The weather is at present beautiful, and the temperature of the air mild, so that my first impression is in favour of the place.

Perhaps we exaggerated to ourselves the discomforts and exposure of the road over the Apennines by Bologna, when we decided, upon that consideration, to leave the high road, and come by Genoa. And we were misinformed a little at Turin, both as to the state of the Corniche, and as to the duration of a coasting voyage. Between these two, I hesitated a good deal at Genoa; and though my voyage proved much longer than was promised, I believe it is fortunate that we made that choice. Lord Carnarvon, with his young party, came by land, with mules and a portantine in case of accidents: they found it perfectly practicable in three days to Sarzanne; but they found no accommodation, scarcely shelter, at the places where they stopped for the night; the road ascends often great heights, and brought them into very cold

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air; and there are parts of the road, he thinks, where the porteurs could not carry their load, but would be compelled to make him carry himself, and sometimes for a considerable way.

We had bad weather during part of our voyage, that is, heavy rains and a swell of the sea; it was never cold, however; and what delayed us, was the want of a steady wind, the land breezes, which made the sea so beautiful to look at, being light and variable, on account of the height of the coast and the narrowness of the bay. I did not suffer from sickness, for I persevered in my horizontal recumbent posture all the six days. I cannot yet speak of any improvement in that oppression of my breath, which I dislike more than the cough, because it has never been explained to me by any of my physicians; it is not getting worse, however, though just at present, while I am weaker, in consequence of my confinement at sea, I feel the inconvenience of any exertion more immediately. But now that rest is in my power, I mean to have absolute repose till I feel strong again, and probably in a week's time I shall be able to make a favourable report in all respects. I find there are some acquaintances of mine here, but I have not seen any of them yet, as going up stairs still incommodes me; and besides, I have a mind to practise the silence that was prescribed for me.

I am planning what I shall read during the winter; my idea is, to go through some of the best authors of the country, and to keep myself, if I can, from the temptations of their minor literature. I have not yet been to the booksellers' shops, but I ascertained there was a pretty good one at Leghorn.

Lord Lansdowne says he shall remain at Rome till after Christmas, and then go to Naples for a month or

two. Dumont is in great force, and buys marbles. By the way, Lord Lansdowne, after very full inquiries about climates, wrote to me in the most decided terms, against my coming to Rome, and in favour of Pisa; and Lord King, who is very knowing in such matters, concurred with him in opinion against Rome. So that I have at present the satisfaction of believing that I have chosen for the best; at present, the air is delightful, and the sky blue without a cloud. 1816. Æt. 39.

Very affectionately yours,

FRA. HORNER.

LETTER CCXCIII. TO J. A. MURRAY, ESQ.

My dear Murray, Pisa, Dec. 6th, 1816.

I have never written to you, because I knew you would be made acquainted with all the accounts we sent to Charlotte Square*, and because my health and my way of travelling left me no opportunity of learning any thing to tell. In crossing France, we came the road that I had the pleasure of travelling with you two years ago, — through the Bourbonnais to Lyons; it is a bad road in point of travelling, but it leads through some pretty country, and I was particularly struck, indeed much more than I was the first time, with the beauty of that which lies between Mont Tarare and Lyons. Many of the places all along the way, and some of the wretched inns, revived in my mind very agreeably the particulars of that pleasant journey, some, probably, which would never have occurred again, but for this driving over the same ground. I felt a second time the regret of passing within a few miles of the

* His father's house in Edinburgh. — ED.

1816. Æt. 39. Grande Chartreuse, without turning off to see it; and I could not help thinking it rather an odd accident, that I should be twice in my life at such a city as Turin, and both times too unwell to walk about and see it.

We have written so amply and minutely on the subject of my health, that I have nothing new to say at present; the result is, that I am pretty much in the same state as when I left Scotland. I had a longer interval of relief from coughing nearly the last three weeks of the journey, than I had ever had; but I had hardly announced this when it came back, though not so bad as before; I have, for the week we have been here, had a little of it almost every day. My weakness of breathing is not worse. Except for the first two or three days, we have had cold weather ever since we came here; an eager wind blowing from the north-east, the thermometer below the freezing point most nights, and not much above forty degrees at any time of the day. It would be delightful weather to enjoy in health and exercise, for the sky is beautiful, and even this air must be pleasant to those who can keep themselves warm; but it certainly is not what I came abroad for. They tell us it will change, and that we shall have a warmer temperature soon, for a long while together; but if I were not more anxious for rest and repose than any thing else, and if I did not place much confidence in the efficacy of mere tranquillity, I should regret that the lateness of the season would not allow me to seek warmth much farther south. If Naples does not give it, my conviction is, that it is not to be had in Italy. I have not yet, on account of this chilliness of the air, got into the way of taking exercise regularly; which was one thing I mainly relied on:

I take a drive now and then in a close carriage, which always does me good, at least gives me spirits for the day; and I have a warm sunny walk in the street where I live, but it is not longer than the turn upon the quarter deck, for the first cross street is a funnel of cold air, and the mixture of beggars and of convicts in chains (who work in the streets) makes it sometimes too disagreeable to stay long. We have got very comfortable rooms in the best situation, having the sun shine from its rising, nearly all day: and, what consoles me for all other ill, I find I can read with as much enjoyment, and as much activity of mind, as at any former period of my life; indeed, this vacation from professional reading, and the entire liberty of study and reflection, almost brings back to me the days of youth, which the other circumstances of my condition seem to throw to such a distance. 1816. ÆT. 39.

I have cast myself headlong into Italian literature, meaning, however, to confine myself to their first-rate authors among the historians and poets, and to resist all the temptations of their minor literature, as well as the idleness of their antiquities and art. At present, I am engaged with Dante and Machiavel; but, as I have felt before in other historical writers of this country, Machiavel makes me feel so much their want of heart, and all generous sentiment, that I have some symptoms of a sort of nostalgia, and am quite impatient for the arrival of a box of books at Leghorn, in which I put up Addison's Spectators, and Smith's Moral Sentiments.

It gives me great pain to hear such distressing accounts as are sent from England and Scotland of the scarcity, and the want of employment for the people. Their sufferings are, I fear, most severe, and will not admit of relief for months to come. In

1816. Æt. 39. addition to other evils, we shall experience on this occasion one of the worst consequences of that sad job of the country gentlemen, the corn bill; for England will by its operation get no foreign grain till the prices are at the highest, and after all other countries have supplied their wants; and that means nearly all Europe. At Leghorn there is great activity in the corn trade, bringing wheat from the Levant and the Black Sea, the most from Alexandria: Leghorn is no doubt a port of deposit, where our merchants may still find it, when the declaration of the average at the end of the right number of months (such formal nonsense makes one angry at the words) shall apprise them that they may send out orders; but, from what I could learn, what was brought from the East was sent away again very quickly to the coasts within the straits, Italy itself, the south of France, and to Spain, in all of which countries the harvest is short.

Always, my dear Murray,
Ever most truly yours,
FRA. HORNER.

LETTER CCXCIV. TO LADY HOLLAND.

Pisa, 13th Dec. 1816.

Both yesterday and this morning, my dear Lady Holland, have shone upon us by the charming arrival of your letters, after the interval of a month. I dare say the post has contributed not a little to raise the temperature of the air to my feelings; but the real fact is, that after some six or eight hours of rain, such as I never witnessed before, we have got much warmer weather, and the thermometer has made a jump of about fifteen degrees, both during the day and during the night. It has been as high

as fifty-four to-day, and was not lower in the night than forty-four. I hear Dumont is returned to Geneva, delighted with his Italian tour. I wish I could have crossed him in his way; I should like too to read *one* of the two books he has lately published, that on the "sophistries" practised in the debates of public assemblies; this is a subject of which a little might be made, both for amusement and use, and where his fun and good writing must now and then break the fetters he has put upon them, in the name of "*principes*" and method; like some other things he has undertaken to dress, nothing could in his hands spoil it for the public taste, but his way of putting every thing upon Bentham's gridiron, to be scored and scorched in lines and rules. 1816. Æt. 39.

There is a little society here with which I could diversify my quiet reading life much to my satisfaction, but I abstain altogether; never knocking at any one's door, and shutting mine almost every day to every body.

I am making a study of Dante, which is rather too big a word for any reading of mine now; but I do not find it a task, and he will make all other writers more easy to me.* I have run through some of Machiavel's Legations; they are highly entertaining, particularly that to Cæsar Borgia, with whose insinuating manners and eloquence in conversation he seems certainly to have been captivated, as well as by his force of character. The details, given from day to day in despatches to his government, while the affair of Sinigaglia was in train, up to its execution, have the interest of a tragedy; one has luckily no need of assistance to feel the horrors of it, for the

* See Appendix D.

1816. Æt. 39. writer does not drop a phrase that could excite it. The new edition of his familiar letters contains some that are said to have been before unpublished; the edition, I mean, of Italia (Florence), 1813, in eight volumes; the three last volumes, which contain these additions, are to be had separately. There are some very pleasant letters between him and Guicciardini. I have read over again an old acquaintance, the Mandragola, with increased amazement; how he has mixed with the irresistible buffoonery of the story his indignant satire against the priests! There is one passage as keen as the Provincial Letters, and very like them. The Prince (which you may think strange) I have read for the first time in my life; and with such disgust, that I do not know I shall ever be able to open it again. It has not prevented me, however, from going on with his History, in which I own I find nothing inconsistent with the sort of mind that produced The Prince; and what I remember of the Discourses on Livy would not alter this judgment; but these I mean to read once more. Alfieri's life, up to the French Revolution, has made me hate him; he loved liberty very much in Machiavel's way, and understood it so. His two tragedies *Saul* and *Mirra*, which I was told were his best, have made me admire and wonder, but without much dramatic interest: this is a very rash judgment, and I shall perhaps have to retract it; but though the conduct of his plot and scenes is skilfully pursued for effect, his personages have no character of their own; and though they always speak the proper and very forcible language of the passions, they never say any thing but what one seems to have heard before, and expects them to say in their circumstances. There is consummate art in the *Mirra;* but it has not a touch of that pathetic with which Ovid tells the story,

and with which Dryden has translated one speech, and with which Racine has imitated the same speech in Phedre. Could there be a stronger trait of a want of original genius, than his resolution not to read Racine any more, for fear of spoiling his originality! But I am falling into very old stories: do not let Foscolo hear of my heresies. 1816. Æt. 39.

During the long interval of our not hearing from you, we heard of Whishaw and the Romillys being well, by a letter from Mr. Mallet to Madame Achard; he gave us the right history, too, of those riots, and of the good conduct of the suffering people, which our friend Louis's government takes some pains to misrepresent in their newspapers. I do not believe that you know Mr. Mallet*, at least not much; I wish you did: he is a very amiable person, and to me quite agreeable, with a clear right head, which he uses very much upon what is passing in the world.

Your reproof about Sismondi's history is deserved; and though I have not gone back to the work, I had felt, in some measure, the harshness of my criticism, before I received yours, which is just and excellent. His conversation had made me milder towards his book, and almost will persuade me to resume it. What had set me off, was many childish pages of seeming philosophy, signifying nothing; Parisian generalties, heated up at Geneva: but I ought at the same time to have remembered, that he has embodied into his composition a great deal of the good and useful philosophy of the last age, on important political questions, though without originality or any good writing in his manner of doing it.

And now good night, my dear Lady Holland: what

* John Lewis Mallet, Esq., son of the celebrated Mallet du Pan. See *Smyth's Lectures on the French Revolution*, vol. i. p. 96., and vol. ii. p. 219. 227. He has been for many years Secretary of the Audit Board. — Ed.

1816. Æt. 39. a blab I am become on paper, since my vow of vocal taciturnity. My kind regards to Lord Holland.

Ever affectionately yours,

FRA. HORNER.

LETTER CCXCV. TO MRS. DUGALD STEWART.

My dear Mrs. Stewart, Pisa, 17th Dec. 1816.

I ought to have told you long ago how well I found all the Mintos and Elliots at Genoa; where I halted for two days on my way here; and what a pleasure it was to have for two days the faces of English friends. They were all in perfect health.

I can of course tell you nothing of this place, except that we are at present enjoying beautiful weather, and that the general look of the town is striking and peculiar. But my present mode of existence is so like a dream, that I do not venture to talk of things as real; to have been brought over near a thousand miles of foreign country, and not allowed to look about, and then set down in a very famous place, without having breath to ask a question, puts me in a manner beside myself.

In a bookseller's catalogue this morning, I met with the title of a work, which may have been originally written by your ancient friend Lord Woodhouselee; it is a "disquisition upon the doubt which had arisen how it happened that Petrarca did not expressly praise Laura for her nose!" If you have any curiosity to see it, I will send for it to Florence.

Pray tell Mr. Stewart there is a very remarkable letter of Machiavel's lately published, written to a private friend at the very time he was engaged in the composition of The Prince, and not only fixing the

date of that work, but explaining, in a manner disgraceful to the author, the use at least he made of it, in putting it into the hands of the Medicis family; the letter, besides, is full of character, and describes, in a very lively manner, the life he was leading when driven away from Florence. This particular letter may be read at the end of the last volume but one of "Pignotti's Storia della Toscana," a book published here, but which was in all the London shops before I came away; it is to be found also, with several others, which are entertaining and curious, in a new collection published at Florence, in 1814, of Machiavel's public despatches and familiar letters. By the way I must likewise tell Mr. Stewart, that my late reading has suggested a slight criticism upon one expression of his with regard to "Machiavel's Prince," where he calls it "one of the *latest* of his *publications*." The fact is, that his three great works were none of them published in his lifetime, nor for four years after his death; they appear to have been all written at the same period of his life, during the eight or ten years of leisure that were forced upon him; and I believe it may be made out from the works themselves, that The Prince was composed and finished first of the three, then the Discourses, and last of all the History. This and the first having been written for the Medicis family, the MSS. were in their hands, and they published them; the Discourses were printed by the care of some of his personal friends. If Mr. Stewart wishes to have the proof of all this in detail, I can draw it out without any trouble. You see that the Dissertation is one of my companions in my travels.

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The last I heard of Mr. Playfair was in a letter from Lord Lansdowne, at Rome, of the 18th November, in which he mentioned his arrival; of course you have

1816. later accounts. Remember me to all at Kinneil, and
Æt. 39. believe me, dear Mrs. Stewart,

Very affectionately yours,

FRA. HORNER.

LETTER CCXCVI. TO J. A. MURRAY, ESQ.

My dear Murray, Pisa, 21st Dec. 1816.

I got yours of the 2d instant yesterday. You say nothing of Mrs. Murray's health. By other accounts, I find she had been ailing and confined to her room, but was better; I hope and trust by this time quite well.

Mr. Clerk's opinion will not make me think that there was no injustice done in the Ayrshire case.* There was an absolute failure of justice, upon a point of form, after infinite delay. If he and others think nothing wrong in the existing laws, I am certain that was not the opinion of Lord Eldon in that cause; and I should have expected some of those you name to have been at least as quick as he to see and admit defects that touch the liberty of the subject. Of all persons, those who give you the least aid, when any thing is to be done by legislation, are your ancient barristers; the two operations of mind, knowing what the laws are, and seeing what they had better be, seem almost incompatible.

But it is idle to regret the obstacles that exist to any amelioration of the constitutional laws of Scotland. Similar improvements in England have seldom been the work of lawyers, but have been forced

* This was an action for wrongous imprisonment on the statute of 1701, c. 6., by John Andrew, a shoemaker, in the village of Maybole in Ayrshire, accused of seditious practices, against John Murdoch, Sheriff-Substitute of that county. *Dow's Reports of Appeals*, vol. ii. p. 402.—ED.

upon them, or carried through in spite of them, by the public voice upon some crying instance, like that Ayrshire case, or by the efforts of individuals unconnected with the legal profession. In Scotland you have no public voice; for you have neither a popular meeting nor a political press. 1816. Æt. 39

You leave me in doubt, whether you adopt Clerk's opinion, when you state it, that the laws of Scotland and their administration are particularly lenient to all persons liable to imprisonment. Under the actual administration, ought to be included the state of your prisons; which, from what I have seen of some, and heard of many others, are a reproach to a civilised country. Another branch of actual administration is the practice, upon your circuits, of "deserting the Diet," at the discretion of an Advocate-Depute; by which, I have been assured, in numberless instances, the imprisonment of persons accused has been prolonged from year to year, until it appeared that they had suffered confinement long enough even for guilt, and upon that principle they were discharged as persons, not tried indeed, but punished. You have the means of correcting me, if these are fictions. Another rigour in the administration of your laws, is the practice of committing indefinitely for further examination; under which I have been informed there have been recent abuses to a great extent. Let me add one more; the power your magistrates exercise, if legally or not I do not know, of condemning to long and even solitary imprisonment, upon their own conviction, without a jury, persons charged with police offences, or even offences of another description, such as that of the servant who assaulted and kissed his mistress. The things I have spoken of actually do happen; so much for lenient administration. I am not one of those

1816. Æt. 39. theoretical innovators who are for squaring the letter of the laws to the ideal rules of a perfect justice; the correction and prevention of practical grievances is the best we need aim at. But there are some branches of the law, in which the possibility of wrong ought to be prevented, if by fresh guards the law can effect it; and the most important of these is the liberty of the subject. A single instance of abuse and oppression, like that from Ayrshire, on which I must insist still, ought to raise every voice for a law to make the repetition of such conduct impossible. To quit that instance, the capital defect of your law of imprisonment upon a criminal charge is, that it does not provide a certain infallible course of proceeding, to bring the accused person to trial, as early as the preparation of evidence will admit of. The law, which throws an innocent man into gaol, ought of itself to determine speedily whether he ought to be discharged or punished. Then you tell me of your act 1701, and that every man may run his letters; that is, with money he may, if he sets about it with good professional advice. But why should it be rendered necessary for him to take any steps? why do not his letters run by operation of law, without any movement or payment on his part? The law has made the first move, in taking him from his labour, his family, his liberty; ought it not to go on, and, with every degree of speed that is consistent with a due execution of justice, ascertain a point so important to this man, if he is innocent, the question of his innocence or guilt? Here then is a principle, the introduction of which would be a practical improvement of your law; keep the phraseology of the act 1701, but let the letters run by operation of the statute. Reverting here to the actual administration again, I speak with very

imperfect information, but my impression is, that it is not a matter of course for every prisoner to take immediate steps for running his letters; that when he has recourse to it, there are difficulties and delays from his having already lost time, and from the formalities of the law; that there is a sufficient field for the chicane of such practitioners as minister to the wants of prisoners; and that the amount of fees is such as cannot fall light upon a man in the condition of living by his daily labour. 1816. Æt. 39.

I see nothing in Clerk's other arguments: he dreads discussion: you will not learn that of him. Is any good ever done in England but by discussion? This is a hint worthy of some of my present acquaintance in ecclesiastical habits on the Lung'-Arno. But jurisconsults, after a certain age, get wonderfully ecclesiastic in their ways of thinking. "It will be a long time before the new law is understood and executed,"— that is an argument I will not answer. He thinks it better to preserve the present severity of penalties against the magistrate who misconducts himself; that is the part of the new bill on which I am least anxious. One use of it was to conciliate the magistrates in favour of the rest. I question, however, the solidity of Clerk's reasoning; he ought to show that the penalties have, in any instance, been enforced, and that the court has never shrunk from doing justice upon a complaint on account of their severity. I believe they are an instance among a thousand, that there is no surer device for impunity, if that is the real drift, than to enact a punishment such as nobody could think of enforcing.

I ought to ask your forgiveness for worrying you at such length upon this subject. I feel it to be mere Utopia, to talk of improvements in the law of

1816. Ær. 39. Scotland; one has nobody to go to but the lawyers, and they never favoured in any country the improvement of the law. This would be too saucy, if I were not a bit of a lawyer myself; and if I had not, in more instances than one, caught myself sliding down into Westminster Hall superstitions.

Remember me to all my friends, Thomson and Jeffrey in particular; and do not reproach them for not writing to me, for I did not expect it. They had left it off when I was in a condition to send them some return. Remember I am in a place of solitary confinement, where I hear nothing but by letters; and it very often happens, when I am hungering for gossip, and all the details that become so dear when one is at a distance from the spot, that every one of three or four letters politely declines telling me what it takes for granted must be told in the others.

My affectionate regards to Mrs. Murray and Miss Murray.

Ever yours,

FRA. HORNER.

LETTER CCXCVII. TO LORD HOLLAND.

Dear Lord Holland, Pisa, 21st Dec. 1816.

I heard, with great pleasure you will believe, of your being at last relieved from the gout; by the order in which our letters reached us, the first I heard of your amendment was, that you were walking in the garden at Petworth; and since that, Allen has told me you are quite recovered.

I rejoice to hear you say, that the system of maintaining legitimates in foreign countries, at the expense of English treasure and character, has lost

its popularity; I feared it was too early for that subject to be seen by the English in its true light, for though they always get at the true sense of things in the end, they rarely come to it in time, nor until they have paid deeply for it. It is the great theme for parliamentary discussion, coupled with that of the reduction of the army, which is closely connected with it, both upon the grounds of economy, and upon all the true and enlarged principles of political liberty. I hope when parliament meets, these questions, so joined together, and taken upon their broadest ground, will be urged repeatedly; not merely in the protest of one solemn debate, which saves the consciences of the speakers, but does not work upon the public. What I dread is, that in the House of Commons there will be nothing but the old song of sinecures and reversions; which we learned from the unreasonable narrow-minded democrats, and in our turn have been teaching it so exclusively to the excellent Whig party among the gentry and middle orders of England, that more general and generous notions of constitutional liberty and foreign politics are no longer so familiar or acceptable to them as they were formerly. As to sinecures, the line we have hitherto taken on that subject seems to me still the most reasonable, and it ought to be adhered to with firmness; to concur in their abolition or regulation, but to protect all existing interests as property. As long as the subject would bear discussion, I think the argument was much in favour of sinecures, under our form of government; and that their existence, as a fund of distribution by statesmen among themselves (to put it in the plainest terms), was an additional security given to the democracy, for the efficacy of what we justly reckon one of the best marks of our

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1816. Æt. 39. freedom, that a man may rise from the humblest rank to the highest office: the democracy, however, have scouted all such arguments, and I take the discussion to be at an end; at least while the present stigma is upon such places, no man, who hopes by means of public confidence and reputation ever to do any public good, would be indiscreet enough to come near them.

But though this view of the subject would carry me so far in the cry against sinecures, as to join in their future abolition, no outcry, nor any public pressure, should ever prevail upon me to touch them in the present hands of those who got them, and hold them by a legal title. I cannot see this in any light but robbery; which may be committed by parliament, with as much injustice and violence as by a highwayman. It is a ticklish thing to begin to draw subtle distinctions about property; and the last philosopher I would trust with such a perilous experiment, is a popular assembly in an hour of national necessity and heat. Perhaps one grudges such a man as Lord Camden his vast drafts of public money; with the same feeling, one might still grudge the Pagets, for instance, their exorbitant grants from Henry VIII., for no one service rendered to the people, and no one memorable action performed by the family in any age of our history. If the House of Commons take away Lord Camden's grant of the tellership, which was given him perhaps fifty years ago, why should not they proceed to take back also to the crown, Lord Somers's manor of Ryegate, which was granted about fifty years earlier? The greater length of time is nothing in the argument; for prescription is the mere creature of law, which by the argument is to have no efficacy against reasons of state necessity; besides,

the law has created no prescription in this case, judging it unnecessary; the grants being good in law from the first moment. Then it may be said, Lord Somers's ancestor did great things for the country, and earned great rewards: will it be for the democratic purists of the present day to say, that the first Lord Camden deserved none? I think this is a point of the very first importance, considering what sort of discussions may be broached in the ensuing session; and the principles, by which property is guarded from public rapine, ought to be inculcated with authority and a strong hand. 1816. Æt. 39.

The question of parliamentary reform is with me a far more doubtful one, and attended with many difficulties, which I have never yet solved to my own satisfaction; at least that part of it which respects the rotten burghs, which is the only thing the democrats are struggling for, and that out of their envy and hatred of the aristocracy, not from jealousy of the crown. I have sometimes thought their object a salutary one for our liberties upon the whole, but I am ashamed to say I have no clear nor fixed opinion yet upon that part of the subject. There are others, and important ones, in which the reformers are clearly right; though for other reasons, than they commonly assign. I do not know what I should think justifiable, if I were a radical reformer, and were bold enough to make the experiment of a new scheme of representation, but in my present views of that question, there is nothing I would do more resolutely, than to disclaim, if I had any name to carry weight with it, the idea of forcing this subject upon parliament, when such mighty difficulties of immediate pressure demand all its attention, and the folly (in some individuals, the palpable wickedness) of connecting the

1816. present sufferings of the people with any thing in the
Æt. 39. state of the representation. Pitt was the first demagogue who propagated this fallacy, which has been flung back upon his own course of measures, with ample retribution. It is used at present so falsely, in my opinion, that, ever since I have sat in the House, I should say, that, in its worst vote, upon all great state questions of peace and war, it has been in unison with the passions of the people: there is but one seeming exception, the vote on the Walcheren business, but which, when looked at a little deeper than the surface, instead of proving the power of the ministers of that day to carry a question in the House against the sense of the public, really proved the sense which the House had of its own power at that crisis to choose ministers, and its decided preference, in concurrence with the public one must say, of one set of men over the other.

I am not at all surprised to hear that Lords Egremont and Sheffield, two names oddly coupled, but very well for this service, are declared against the sinking fund; they are just for the expedient of the day that will help things on another year, at whatever sacrifices of the reasons, and pledges too, involved in their former votes. To the extent of a certain sum, there is a positive pledge of parliament to the creditors that the fund shall not be touched. Taking what remains beyond that, is only shifting for half-a-year, and giving up for that the certainty of a great future relief, for which we have been paying annually, for thirty years, large sums. If the sinking fund is let alone for a few years, there will be in our financial history a rare example of provident, persevering, and successful forbearance; if it is violated, and by Pitt's own creatures, it will be just as remark-

able an instance of extravagance, facility, and deception. While there is a regiment or an office to reduce, I would not touch a hair of its head. The country gentlemen in the House of Commons, are, upon this subject, some of them, the most arrant Jacobins; they consider the whole body of the stockholders as fair game; that is, they have gone on borrowing from monied men, campaign after campaign, without thinking of the consequences; and when the whole amount of interest to be paid for the money they have spent presses hard upon them, they say, these men who ask for their interest are a set of plunderers, who have been making money by the war. 1816. Æt. 39.

On the reduction of the army, it seems to me we cannot wish for any thing better in debate, than that the ministers should dare to use as an argument for their high establishment the existence or probability of riots. That would put the discussion upon great topics, such as the public ought once more to hear from their Whigs in parliament. The civil force must of course look for its radical support to military hands; but to pretend, that England needs for that purpose any thing like so many forces as we should consent for other reasons to vote, would be a sound so new in the English parliament, that I hope you will make the whole land ring with it.

I begin to be ashamed of my tediousness: I had some other things I wished much to say, but I cannot for my life say a thing concisely; and you must be sick of this bad paper and small writing, not to speak of the other bad qualities of this letter.

Ever yours, most faithfully,

FRA. HORNER.

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LETTER CCXCVIII. TO HIS MOTHER.

My dear Mother, Pisa, 4th Jan. 1817.

It is not too late yet to wish you all the happiness that this and many new years can bring. I cannot say Leo and I have had a merry Christmas, but it has not been very sad; for we have heard pretty regularly from home, and believe you are all in perfect health.

The winter here is at present very mild, and indeed delightful; Leonard has got a little horse for me, and I have had my first ride to-day, for a couple of miles out of town; and I found I could bear a little ambling pace for a considerable way, without losing breath. If I can go on with this, I have much faith in its efficacy; and there is no reason apparent at present why I should not, for, except that we may expect a little cold weather in the beginning of February, they tell us our winter is nearly over. From what we have heard from time to time of the severe cold of the winds at Florence, and at Rome, the climate of this place seems to have been, this season, far milder. I have a little nosegay upon the table now, taken from an open garden in the town, in which, besides China roses and a lily, there is the most perfumed double jasmine; and Leo brings in from the way side in his walks, buds of spring. All this I hope is soon to do me good; for I am rendered so selfish by illness, and the care taken of me, that I think only of myself, you see, in these blessings of the sun. The last ride I had was with dear little Mary; and, upon recollection, I think I should have been better company for her to-day, than on that occasion; for I have no longer that feeling of mortal lassitude, which hung upon me at Dryden, and seemed to wither me within: that sensation is gone, though I am weaker now and leaner,

and blow still a very bad pair of bellows. Rest, however, has done this for me. 1817. Æt. 39.

All the world over, one hears of nothing but the sufferings of the poor from scarcity. They have their share of it in Tuscany; not that their corn harvest failed, for that seems to have been a middling one; but in the mountains the people live altogether upon chesnuts, and bread made of that fruit, which did not ripen this summer for want of heat. This has thrown them upon the produce of the plains, which is insufficient for both sets of inhabitants. An additional suffering is occasioned by the failure of the grapes and olives. The price of grain, accordingly, and of maize among the rest, is very high. This sort of produce has been prodigiously increased in Tuscany of late years; and what is curious, it seems to have been encouraged by that very change of the seasons, within the last eight or ten years, which is said to have been remarked all over Europe, and is so much lamented. For maize requires more rain for its growth than an Italian summer used to afford, so that if they were to become as dry and hot as before, this cultivation must be discontinued. The chesnut-eaters in the hills are beginning to have patches of potatoes under the shade of their great trees, but with much prejudice against them; in a little while, that "modest" vegetable, as some sentimental French traveller called the root of Ireland, will gain upon the other, and make an important change in the habits of that peasantry.

Farewell, my dear mother; give my kindest love to my father and all the rest.

God bless you.

Ever affectionately yours,

FRA. HORNER.

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LETTER CCXCIX. FROM MR. ALLEN.

Dear Horner, London, 7th Jan. 1817.

As your breathlessness seemed not to be at all relieved either by the change of climate, or by the treatment recommended to you by Baillie and Warren, I made out a state of your case at present, as well as I could collect the particulars from your own letters and your brother's, and sent copies of it yesterday to both those physicians, with a request that they would take it into consideration, and give me their opinion this morning. The enclosed paper is the result of their deliberation, in addition to which, Baillie desires me to say, they are both satisfied that your difficulty of breathing does not arise from water in the chest, and from the history of your illness, they are equally persuaded it does not proceed from tubercles, but they are not so clear as to what is the real cause of it. Baillie thinks it may proceed from a consolidation of part of the substance of the lungs, in consequence of which there is less space for air, or it may arise from a change of structure in the air cells, by which they are become larger, and in the same proportion afford a smaller surface for the oxygenation, or whatever else we may call it, of the blood. In either of the last suppositions there is no danger from the complaint, though there may be much inconvenience. If the cause is nothing but muscular debility in the organs of respiration, you will obtain relief from it as your strength returns. They recommend to you, as you will observe, to resume the use of the mercurial pill, and to try the effect of the supercarbonate of potassa.

I have not time for more, lest I should be too late for the post. How much we all regret your absence,

and how much more the cause of it! Every thing has the appearance of a very active session; but till people begin to assemble in town, it is impossible to form a guess what is the real feeling of the country. 1817. Æt. 39.

Yours ever,

J. ALLEN.

LETTER CCC. TO LADY HOLLAND.

My dear Lady Holland, Pisa, 10th Jan. 1817.

After some disappointment, this day's post brought me your Nos. 17, 18, and 19, together; a most gratifying budget, and full of interest. Nobody knows half so well what to write, and how to write it.

Though I leave the medical department for Leonard, there are some points on which I may perhaps answer you more distinctly myself. About ten days ago, I sent for Dr. Vaccà; and not only find him very agreeable in conversation, but have taken an impression of confidence in him as a physician. Perhaps in some measure, from the rational degree of scepticism he seems to entertain as to the powers and reach of medicine; and still more, from the frankness with which he has given me to understand, that he is very much in the dark about my case. When I first saw him, I told him I had come here with instructions from my English physicians, which I meant to follow without variation; but that I wished him to come and see me from day to day, for some time, and then give me his opinion of my illness, as well as enable me to make a report of my present state to those I confide in at home; by whom it was my intention still to be directed, whether I should persevere in the course they had recommended, or change it for another. He entered readily into my view, and has been with me

1817. Æt. 39. almost every day: in the course of next week, I mean to write either a letter to Dr. Baillie which I shall transmit through Allen's hands, or some statements which I will ask Allen to lay before him. Until I receive his response, I shall go on as I have done. I may postpone till that communication any more particular account of myself than Leonard will give you in his letter.

I hear Lady Morpeth has been confined; I hope doing well. Remember me to Lord Morpeth with all the kindness and respect you know I feel for him: in these times, would he would take the trouble to communicate and impress more publicly the sound sense and pure feelings he always has about public affairs. I will get the best information for you I can about the art of Niello and the Laurentino MS. In the meantime, let me refer you to half a page in Pignotti's History of Tuscany, vol. v. p. 175., where there is a professed explanation of the sort of work called Niello; it may be right or wrong; but it makes me perfectly comprehend your statement of Benvenuto Cellini's account of it, consistently with there being such an impression or cast, as you say Mr. Grenville has purchased.

My copy of Pignotti has no such preliminary volume as you speak of, giving an account of villas and palaces belonging to the grand duchy, and anecdotes of the Medici family; I want very much to see something of their conduct after they made themselves grand-dukes, and do not know where to look for it.

I shall not write to Allen till this day week, to give Vaccà more time than enough.

Ever most affectionately yours,

FRA. HORNER.

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LETTER CCCI. FROM LORD HOLLAND.

Dear Horner, Holland House, 10th Jan. 1817.

I have your long, kind, and interesting letter to answer, and though I cannot make an adequate return, I can at least answer it; but Lady Holland being half ill with a headache, and more lazy than ill (for it is merely a slight cold), is in a terrible fidget at missing a post, and has deputed me to write for her, which I know I cannot do, for I have not probably heard one half of the things she could tell you; hearing them, could not recollect them; and recollecting, could not tell you them in so short and entertaining a manner.

We had persuaded Grey to come up soon, and prepared plans for consultation on the course of proceeding for the session, as well as the measures to be taken, both about men and things, if beyond our expectation, but not beyond all probability, the ministers should be beat. But, alas! the only time that I ever saw a prospect of good sound previous deliberation, a fortnight before the meeting of Parliament, Lord Grey is most painfully detained at Milton, nursing Lady Grey, who is taken ill of the scarlet fever, and fretting about his children, whom he has separated from her and the infection.

I agree with you in most of your points, but not quite in the same degree. Retrenchment and economy, which must include suppression of sinecures in future, and as far as the rights of property (established by legal decision) admit, the reform of those now existing, as well as the reduction of many useless places, miscalled the splendour of the crown, are absolutely necessary to give any party, who wishes to do good, authority and weight with the people. They must go. The community are punished, and severely punished, for their base acquiescence in

1817. Æt. 39. libérticide wars, by their present distresses. I am not so sorry for that as I ought to be. But let ministers and the court be punished too, and a useful lesson will be inculcated, that rash and unprincipled wars cannot be entered into without (even in the case of success) the people risking their prosperity, ministers their power and influence, and kings and courts a part of their beloved splendour. It is through the unpopularity of the expenditure that we must get at the foreign system of politics, which, in my conscience, I think the cause of it. As to parliamentary reform, the industry of the violent party, and the talents, I must own, of one among them, seem to have made a deep impression; but I do not despair of getting over that difficulty well. There are many of our best friends out of parliament, and many, too, who were not our friends till now, who are anxious to support retrenchment, and to change foreign policy, and to dismiss ministers, and yet, though reformers, are no great sticklers for any very violent reform, and are both disgusted and alarmed at the language of Cobbett, Hunt, and Cochrane. They are, I hear, of their own accord, and without any concert with us, to have a great dinner in Westminster, at which their resolutions will be such as we must all approve; though perhaps, on the subject of sinecures, some of them will be a little more peremptory than we could wish; but the fact is, they are eyesores, neither beautiful to the sight nor useful to the body; while they remain, we can make no progress in courting the community, and they must be lopped off. But enough of politics.

Whatever your other grumblings may be, you would not fret about climate, if by a *second sight* you could see the cold thick frosty fog of this day.

Yours,

V. Holland.

1817.

LETTER CCCII. TO EARL GREY. ÆT. 39.

My dear Lord, Pisa, 14th Jan. 1817.

You must permit me to congratulate you, because I have so much pleasure in doing so, upon an event of which I have just heard, the marriage of Lady Louisa. Nothing can affect so nearly your happiness and that of your family, in which I shall not always feel a most sincere interest. I beg to be remembered, upon this occasion, particularly to Lady Grey.

You will think it natural for me to look forward, with great anxiety, to the meeting of parliament: the future safety of the country depends so much, not only upon the measures relative to finance and expenditure which shall be adopted in the ensuing session, but upon the views of their real situation, which the intelligent and effective part of the community may be taught, by those statesmen in Parliament to whose opinions they look. Our financial embarrassments, I fear, are now of a very serious nature. Those in trade and agriculture, I am persuaded, have already past the worst, and at all events cannot be otherwise than of a temporary nature; the other difficulties, if not met on the part of the country with great firmness, and on the part of the legislature with the right measures, may endanger the government itself and the whole system of our liberties. I have vast confidence, however, in the resources which are found in the freedom of our government for a contest with political calamities, and in the soundness of public opinion in England, when it is honestly instructed and trusted. The delusions, which appear to have spread among the lower classes of the people, unemployed and suf-

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fering, respecting the efficacy of indefinite reforms, as a cure for their actual misery, may, by neglect, and in a long continuance of such distress, rise higher, and threaten us with convulsions.

But this is an evil for which a sure preventive has always been found hitherto in parliament. When the first day of the session is over, I shall feel great impatience to know what has passed; for the sentiments and views given by leading men that day have more weight with the public, than the result of many subsequent debates What I trust is, besides giving a right direction to the public anxiety, that the opposition to large votes of supply and establishment will be pursued in detail, from day to day, in the House of Commons, and that time will not be given to the ministers, by propositions of inquiry upon a large scale, which have always ended in nothing. It is very presumptuous, however, in me, at this distance from what is going on, to suggest even my wishes upon these subjects.

I have heard to-day of the Duke of Wellington's sudden journey from Cambray to London, and thence to Paris. This looks like a prelude to some immediate measure of importance. The suspension of the contributions is a more important event, for the restoration of common sense in England upon foreign politics and military establishments, than one durst have hoped for so early.

Believe me ever, my dear Lord,

Yours, faithfully and sincerely,

FRA. HORNER.

LETTER CCCIII. TO LADY HOLLAND.

My dear Lady Holland, Pisa, 29th Jan. 1817.

My reason for writing is, as usual, only to tell you about myself. I am now entirely recovered from all the effects and weakness of the accidental fever I was attacked with the beginning of last week; and I have resumed the opium, with the same good effect as before. How long this will last, remains to be seen. I have taken it three nights running, a grain of the gum extract on going to bed; and this morning I have begun to take the same dose before getting up. The power of the evening's dose is nearly exhausted next morning; all day, however, I felt my breathing a good deal more easy and tranquil. The effect of what I have taken this morning has perfectly corresponded with what I expected from the other trials; the relief seems to me quite marvellous, and I could fall down and worship my pill like a Turk; what is very new to me indeed, I have got through the labours of my toilet not only without pain and palpitations, but with scarcely any feeling of exertion; and I am altogether a stronger and better man than I have been a great while. You will think I write this, under the delirium of my drug, and the alteration of my condition looks something like a reverie; but I really consider the experiment now as having been fairly tried, the result being uniform of all that I have made, before my fever, and since. Even if it should be but a transient effect, what has taken place must surely throw some light on the nature of my disease; Dr. Vaccà will not speak out yet about it, except in conjectures; but he seems to watch me with a real curiosity. By Saturday next, I shall be entitled to include what we have

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observed with regard to the operation of opium, in the statement which I wish Allen to consider and lay before Dr. Baillie. The weather has been very fine for a week past; here again, you will suspect me of giving the "couleur de rose," because I happen to feel well myself; the last three days have been delicious, as this is, and I have not failed to take my drive.

If I had not been very deep in Father Paul and his debates, I should have thought more than I did last night of the House of Commons. I could not help wandering there now and then. In return for the flowers of speech you are despatching for me at this moment, I send you an offering of the earliest violets from the Val d'Arno. If they are intercepted, they will go far to convict two such suspicious characters, of treason against the state of Europe.

I have not yet received the Tales of my Landlord; I longed for them last week, when I was just in the state for a novel. Boccaccio was my resource, but his stories are too short, and his style too good for a sick head.

Tuesday. I am shocked to have to interrupt the letter I was writing on the other leaf, in order to tell you what I have just learnt that poor Lord Guildford died this morning at eight o'clock. It is a very sudden event, if it could be so in so broken a constitution. Vaccà says, Lord Guildford's constitution was completely broke up; "une machine fracassée;" and it must be a great satisfaction to his friends to know, that he was attended from the first by this excellent physician, who deserves the first confidence, and watches his patients with unremitting care.

Yours affectionately,

FRA. HORNER.

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LETTER CCCIV. TO LADY HOLLAND. ÆT. 39.

My dear Lady Holland, Pisa, 4th Feb. 1817.

The date of our latest accounts from you is now very old, the 30th of December; your letter from Woburn, No. 21. It is provoking to think that letters from you, probably several, are upon the road for us, which we might have received.

We have had the finest weather possible, for a fortnight now. I have had two rides, upon excellent turf at the Cassino, in a wood of ilexes, and in sight of the Massa mountains; and mean to ride now every day, whilst this warmth lasts. I have been out every day in a carriage, since I recovered from the fever; and my report of myself in all respects is very favourable. The use of the opium is still but an experiment, and I wish to have a little more certainty and longer observation before I give you a formal account of it for the doctors.

I told you, I am reading the Council of Trent. It engages me deeply, and, making allowance for the subject, which can suit very few tastes, is one of the best of histories. If you saw me take Father Paul into bed, as soon as I have had my early tea, you would exclaim that none but a dull Scotsman, bred upon all the chopped straw of learning, could so take to so dry a book. That may be the true cause of it, but it is so. I have always had a relish for works that treat of the history of opinions. There is a sameness in Father Paul's subject, and the characters are few for so long a book; but he gives it more even of dramatic interest than could have been expected. I should like something more of elegance and imagination in the style, even for history; but it has

1817. Æt. 39. the other merits of historical style in the highest degree. I have always thought one of Mackintosh's chief difficulties in his undertaking was to put into narrative the deliberations of an assembly; Father Paul has shown how many of these difficulties are to be overcome, and some indeed peculiar to his assembly. But you have had more than enough of this stuff.

Yours ever most affectionately,

FRA. HORNER.

LETTER CCCV. TO HIS FATHER.

My dear Sir, Pisa, 4th Feb. 1817.

I am not going to trouble you yet with the formal medical report which I promised; because I consider the use of the opium as still a matter of experiment, and one goes on from day to day observing its effect; so that I become unwilling to give any thing like a definitive account of it till I have more certainty. I have still, however, a favourable report to make, both of the continued operation of that medicine, and of my present state of health.

I am undoubtedly better upon the whole in all respects. The weather is at present, and for above a fortnight has been, like the finest spring season ever known in England, in April or May; so that I get out every day, for above two hours, and the last two days I have been one of these hours on horseback. After driving two or three miles from the town to a farm of the grand duke's, we get a good green ride within his inclosures upon a light sandy turf. It is a dead flat indeed, but in sight of magnificent mountains; the Pisan hills on the one side, which are round and brown, grown with trees to the top, half way up olives, and above them the pines and firs of the

country, among which appear a great many white houses and small villages, on all parts of the hill; on another side, we have the mountains of Massa and Carrara, which are much higher, and are of a different aspect, having the rugged sides and edge and sharp peaks of an alpine ridge. I give you this description, that you may have the better notion of the rides we can take; nobody knows better than yourself, how much the efficacy of that sovereign medicine depends upon the eye being fed, as one jogs on, with cheerful scenery and great prospects. We shall have still greater enjoyment, when we can extend our ride to the hills themselves. At present I go out in a little carriage, and Leonard gives me his pony when we get to the turf; but I feel now so strong, that I have set Leo to inquire for a second pony, that we may take the whole in company. The riding does his stomach a great deal of good; since he has been regularly on horseback, he has complained much less of acid and other evils. 1817. Æt. 39.

The opium has certainly a very signal effect upon my breathing; within an hour after I take my pill, if I have been panting, and coughing, and irritated before, I become quite tranquillised, and all these symptoms are suspended, so that I not only have perfect ease while I remain at rest, but I may even move about, and use a degree of muscular exertion with freedom and impunity, for which I should be speedily checked by palpitations and short breath, if I had not the drug in me. Dr. Vaccà tells me, he is of opinion, we have every reason to be satisfied for the present; he appears to me to proceed with the utmost caution, and it would be impossible for any man to bestow a more sedulous and watchful attention on a patient, than he gives me. I have long considered it a settled

1817. Æt. 39. point, that my complaints were not consumptive; Dr. Vaccà thinks they bear none of the appearances with which consumption is ever known to commence. From the distinct and strong effect which opium has had upon them, he thinks it reasonable to infer that an affection of the nerves of the lungs forms a part at least, and a considerable part, of the disease; at present he does not carry his inference farther.

Of all this, however, I mean to write to you still more in detail, when I have had a little more time for closer observation under his directions: that accident of the fever was an inconvenient interruption, and lost me much time. I would rather you would not mention these particulars to any but our medical friends, who take, I believe, a real interest in my case; you know how much I hate the thoughts of having my story and my infirmities served about as gossip; I believe you will humour me in this, even if you look upon it as an unreasonable shame, which I do not think you will.

Since writing this letter, I have had my ride; we are just come in. The air blows fresh, but the sun is warm, and the sky without a cloud. There are the most active appearances of spring; a strong vegetation in all the winter-sown crops, and that bustle of field labour which at no season of the year is more enheartening than at the present. The great variety of occupations here, makes it still more cheering and interesting; in one field, they are still gathering the olives, in another pruning the vines, in a third ploughing for their Turkey wheat, in a fourth preparing the ground with the spade for some other sowing. Labourers are mingled of both sexes. The plough is most primitively rude; the grey oxen have a primitive beauty, that seems to suit it. Nothing makes

me more impatient of my restraints, than the sight of these fields; for I feel far greater curiosity to know the ways and habits of this peasantry and their husbandry, and to understand a little the frame of a society, so unlike what we have at home in the most essential respects, than to penetrate into the Campo Santo, with all its treasures of art. I regret that we have lost Mr. Oswald, to whose assistance I looked forward in walking out to the Pisan farms, when I can walk; he is gone to Rome. 1817. Æt. 39.

We have not heard of you later than the 7th ult. the date of Fanny's kind and entertaining letter to me. But we trust you are well, and we hope getting off with a mild winter. My best love to my mother, and all the rest.

My dear Sir,

Most affectionately yours,

FRA. HORNER.

The cheering hopes of renovated strength, and of future enjoyment of health, expressed in this letter, were also apparent in the greater degree of confidence with which Mr. Horner looked forward to his future plans for the spring; and he even spoke of being unable to resist a visit to Rome, before he returned to England. He at no time appeared to despair of ultimate recovery, and never uttered a word indicating apprehension that he was labouring under a fatal disease; but on more than one occasion he expressed a belief, that his recovery would be slow; and that he should have a long interval of repose, before he should be able to resume his active duties. Under the influence of those feelings, he drew out a sketch of a

1817. Æt. 39. plan for the occupation of that expected period of retirement, in a small book which he headed "DESIGNS," adding, "*At Pisa, 2d February*, 1817, *under the auspices of opium and returning spring.*" The whole of this curious and interesting document will be found in the Appendix to this volume.*

But it was ordained, that none of these designs should ever be accomplished; his feelings of improving health were an illusion; his disease was fast approaching to its fatal termination; and in four days from the date of the preceding letter, he closed his earthly career.

Two days after he had written the last letter to his father, the difficulty of breathing and the cough reappeared with some severity; on the following morning they were somewhat abated; but towards the evening they returned, accompanied by drowsiness. I slept in a room next to his own, with an open door between us. In the night I heard him moaning, and on going to him, he said, that he moaned from difficulty of breathing; but that he wished to be left to sleep. I sent for Dr. Vaccà, who came at seven in the morning; — it was Saturday, the 8th of February. He found his patient labouring greatly in his breathing, with strong palpitations of the heart, and a low, intermittent, and irregular pulse; his forehead covered with a cold sweat, and his face and hands of a leaden colour. He was, however, perfectly sensible, and spoke in a clear distinct manner; expressing neither apprehension nor anxiety about himself. Various stimulating applications were tried, but they afforded no relief; the difficulty of breathing gradually increasing.

* Appendix E.

Although I had entire confidence in the skill of Dr. Vaccà, I requested, towards the afternoon, that there might be a consultation with another physician. They came together soon after four o'clock, and I left the bed-side of the patient, to receive them in the adjoining room; I was absent about ten minutes, and returned alone, to prepare him for seeing the new physician. On drawing aside the curtain, I found his face deadly pale, his eyes fixed, and his hand cold; for a few moments I flattered myself that he had only fainted from weakness; but the sad reality was soon revealed to me, — the precious object of my care was taken from us for ever. 1817. Æt. 39.

On the following Monday I assented to the request of Dr. Vaccà, that there might be an examination of the body. It was then discovered that his disease was not consumption, but an enlargement of the air cells, and a condensation of the substance of the lungs, (which the sagacity of Baillie had suggested as the probable cause of the worst symptoms,) a malady which no medical skill could have cured.*

Notwithstanding the symptoms of organic disease, and their long continuance, I had no serious apprehensions of a fatal termination; on the contrary, I felt an assurance that renovated health would come with the genial weather of spring in that climate. My brother's cheerfulness, his activity of mind, and the absence of all alarm about himself, had deluded me into this belief; nor had any warning expression of his acute and watchful physician prepared me for the sudden and afflicting blow which fell upon me, aggravated as it was by all that my

* For the information of medical men, I have given in the Appendix (F) a copy of Dr. Vaccà's report, together with some observations made upon it by Dr. Warren.

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imagination brought before me, of the agony of those in my distant home when the sad intelligence should arrive. I should do injustice to my feelings, were I to omit to say that, upon this trying occasion, I derived the greatest comfort from the more than friendly attentions of Mrs. Drewe (the sister of Lady Mackintosh), her daughters, and the Miss Allens, her sisters, who had come to Pisa on a similar melancholy errand. They did not leave the last duties to their departed friend to be performed by strangers; and they stood by my side, when I laid the mortal remains of my dear brother in his grave, in the Protestant cemetery at Leghorn.

TRIBUTES

TO THE

MEMORY

OF

FRANCIS HORNER.

TRIBUTES.

" FINIS VITÆ EJUS
NOBIS LUCTUOSUS, AMICIS TRISTIS,
EXTRANEIS ETIAM IGNOTISQUE NON SINE CURA FUIT. —
IPSE QUIDEM,
QUANQUAM MEDIO IN SPATIO ÆTATIS EREPTUS,
QUANTUM AD GLORIAM,
LONGISSIMUM ÆVUM PEREGIT."

THE first public announcement of Mr. Horner's death, in England, was by the following notice in the Morning Chronicle of the 28th of February, which was written by his friend Mr. Allen, the Master of Dulwich College: —

" It is with deep concern we have to announce the death of Francis Horner, Esq., Member of Parliament for St. Mawes. This melancholy event took place at Pisa, on the eighth instant. We have had seldom to lament a greater loss, or to bewail a more irreparable calamity. With an inflexible integrity, and ardent attachment to liberty, Mr. Horner conjoined a temperance and discretion not always found to accompany these virtues. The respect in which he was held, and the deference with which he was listened to in the House of Commons, are a striking proof of the effect of moral qualities in a popular assembly. Without the adventitious aids of station or fortune, he had acquired a weight and influence in Parliament which few men whose lives were passed in Opposition have been able to obtain; and for this consideration he was infinitely

less indebted to his eloquence and talents, eminent as they were, than to the opinion universally entertained of his public and private rectitude. His understanding was strong and comprehensive; his knowledge extensive and accurate; his judgment sound and clear; his conduct plain and direct. His eloquence, like his character, was grave and forcible, without a particle of vanity or presumption, free from rancour and personality, but full of deep and generous indignation against fraud, hypocrisy, or injustice. He was a warm, zealous, and affectionate friend; high-minded and disinterested in his conduct; firm and decided in his opinions; modest and unassuming in his manners. To his private friends his death is a calamity they can never cease to deplore. To the public it is a loss not easily to be repaired, and in times like these most severely to be felt. Mr. Horner was born in 1778, admitted a Member of the Faculty of Advocates in 1800, and called to the English Bar in 1807. He came first into the House of Commons in 1806, and has been member of three successive parliaments.

"The only official situation he ever held was the laborious office of Commissioner for the Liquidation of the Carnatic Claims, which he kept only for a short time, having resigned it many years ago, because he found the duties which it imposed on him, were incompatible with the application due to his professional pursuits."

LETTER FROM MR. ALLEN TO MR. HORNER'S FATHER.

Dear Sir, Arlington Street, 3d March, 1817.

After the loss you have sustained of so excellent a son — so admirable a man — so suddenly

and unexpectedly taken from us, at the moment when every recent account held out to us such plausible, though fallacious, hopes of his amendment, it would be in vain, at present, to address to you any topics of consolation; and if it were otherwise, I am myself too great a sufferer by this calamity, to undertake the alleviation of another's sorrow. I have lost a friend of twenty years' standing, whose advice I have for many years been accustomed to use on every event and project of my life, to whose approbation I looked forward as the reward and incentive of all my labours and occupations, in whose judgment I had the most perfect reliance, and whose integrity of character, and benevolence of heart, I had every day more reason to admire. The prospect of life before me, though uncertain, is long enough to make me feel severely the loss of such a friend and counsellor, and too short to allow me to indulge a hope, that I can acquire another of the same value, if such another, as he was, is to be found.

Time alone can make you submit with resignation to this calamity; but it may be some alleviation of your grief to hear, how much, and how generally, he is lamented. I do not speak merely of his private friends, but of the public at large, and more particularly of the House of Commons, where men of all parties join in extolling his merits, and lamenting his loss. So strong and general is this feeling, that, on the strength of it, his friends have thoughts of venturing on a measure, which, though not quite unprecedented, is nevertheless unusual, and somewhat irregular. In moving the customary writ for the borough which he represented, it is intended to say a few words on his merits and character. Lord Morpeth has most kindly undertaken this office, and it is some

consolation to think, that if poor Horner could have looked forward to the possibility of such a measure, there is no man in the House of Commons he would have selected in preference to Lord Morpeth, for the discharge of this tribute to his memory. Some others may possibly follow Lord Morpeth, and even from the opposite side of the House: my only fear is, that too many will come forward.

Both Lord and Lady Holland have been in the deepest affliction, since this melancholy event was conveyed to us. The loss to Lord Holland is very great, as there was no man in the House of Commons, since the death of his uncle, with whom he consulted on more confidential terms than with your son. Lady Holland intends to write to Mrs. Leonard Horner, but has not yet found herself equal to the task.

I need say nothing of this fatal malady, as the cause of it has been ascertained, and communicated by your son Leonard to Dr. Gordon. It appears that those physicians were in the right, who, from the first, thought there were little or no hopes of his recovery: we, who were willing to think otherwise, were blinded by our wishes.

Mr. Leonard Horner is to be in Paris about the 10th of March. He appears to be satisfied with the manner in which every thing was conducted at Leghorn, and expresses great sense of obligation to the kindness of Mrs. Drewe and the Miss Allens.

With kind remembrances to Mrs. Horner and the rest of your family,

I remain, dear Sir,

Yours faithfully,

JOHN ALLEN.

BY JOHN WHISHAW, ESQ.

Extract from a Letter from Mr. Whishaw to Thomas Smith, Esq., of Easton-Grey, Wilts, dated the 1st of March, 1817.

"I cannot yet write or speak with any tolerable degree of composure on the subject of the loss of my invaluable friend Horner. It has spread a gloom over our whole circle of society. Nor is this feeling confined to Horner's immediate friends. It is universally and strongly expressed, especially in that place where he was pursuing so honourable a career, and where his loss is truly irreparable — the House of Commons. All parties and all individuals unite in bearing testimony to his distinguished talents, his manly and impressive eloquence, and the simplicity, independence, and integrity which marked every part of his conduct. You will be glad to hear that by a general understanding throughout the House, and at the suggestion of the Speaker himself, an opportunity will be taken of giving a public expression to these feelings, on moving the writ for the vacant seat."

PROCEEDINGS IN THE HOUSE OF COMMONS, ON THE MOTION FOR A NEW WRIT FOR THE BOROUGH OF ST. MAWES, ON MONDAY, MARCH 3. 1817.

LORD MORPETH* rose, and spoke as follows:—I rise to move that the Speaker do issue his writ for a new Member to serve in Parliament for the borough of St. Mawes, in the room of the late Francis Horner, Esq.

In making this motion, I trust it will not appear presumptuous or officious, if I address a few words to the House upon this melancholy occasion. I am aware that it is rather an unusual course; but, without endeavouring to institute a parallel with other instances, I am authorised in saying that the course is not wholly unprecedented.

My lamented friend, of whom I never can speak without feelings of the deepest regret, had been rendered incapable for some time past, in consequence of the bad state of his health, of applying himself to the labours of his profession, or to the discharge of his parliamentary duties. He was prevailed upon to try the effects of a milder and more genial climate — the hope was vain and the attempt fruitless: he sunk beneath the slow but destructive effect of a lingering disease, which baffled the power of medicine and the influence of climate; but under the pressure of increasing infirmity, under the infliction of a debilitating and exhausting malady, he preserved undiminished the serenity of his amiable temper, and the composure, the vigour, and firmness of his excellent and enlightened understanding. I may, perhaps, be

* The present Earl of Carlisle.

permitted, without penetrating too far into the more sequestered paths of private life, to allude to those mild virtues — those domestic charities, which embellished while they dignified his private character. I may be permitted to observe, that, as a son and as a brother, he was eminently dutiful and affectionate: but I am aware that these qualities, however amiable, can hardly, with strict propriety, be addressed to the consideration of Parliament. When, however, they are blended, interwoven, and incorporated in the character of a public man, they become a species of public property, and, by their influence and example, essentially augment the general stock of public virtue.

For his qualifications as a public man I can confidently appeal to a wider circle — to that learned profession of which he was a distinguished ornament — to this House, where his exertions will be long remembered with mingled feelings of regret and admiration. It is not necessary for me to enter into the detail of his graver studies and occupations. I may be allowed to say generally, that he raised the edifice of his fair fame upon a good and solid foundation — upon the firm basis of conscientious principle. He was ardent in the pursuit of truth; he was inflexible in his adherence to the great principles of justice and of right. Whenever he delivered in this House the ideas of his clear and intelligent mind, he employed that chaste, simple, but at the same time nervous and impressive style of oratory, which seemed admirably adapted to the elucidation and discussion of important business: it seemed to combine the force and precision of legal argument with the acquirements and knowledge of a statesman.

Of his political opinions it is not necessary for me

to enter into any detailed statement: they are sufficiently known, and do not require from me any comment or illustration. I am confident that his political opponents will admit that he never courted popularity by any unbecoming or unworthy means: they will have the candour to allow, that the expression of his political opinions, however firm, manly, and decided, was untinctured with moroseness, and unembittered with any personal animosity or rancorous reflection. From these feelings he was effectually exempted by the operation of those qualities which formed the grace and the charm of his private life.

But successful as his exertions were, both in this House and in the courts of law, considering the contracted span of his life, they can only be looked upon as the harbingers of his maturer fame, as the presages and the anticipations of a more exalted reputation. But his career was prematurely closed. That his loss to his family and his friends is irreparable, can be readily conceived; but I may add, that to this House and the country it is a loss of no ordinary magnitude: in these times it will be severely felt. In these times, however, when the structure of the constitution is undergoing close and rigorous investigation, on the part of some with the view of exposing its defects, on the part of others with that of displaying its beauties and perfections; we may derive some consolation from the reflection, that a man not possessed of the advantages of hereditary rank or of very ample fortune, was enabled, by the exertion of his own honourable industry—by the successful cultivation of his native talents, to vindicate to himself a station and eminence in society, which the proudest and wealthiest might envy and admire.

I ought to apologize to the House, not, I trust, for

having introduced the subject to their notice, for of that I hope I shall stand acquitted, but for having paid so imperfect and inadequate a tribute to the memory of my departed friend.

MR. CANNING.—Of all the instances wherein the same course has been adopted, as that which my noble friend has pursued with so much feeling and good taste on this occasion, I do not remember one more likely than the present to conciliate the general approbation and sympathy of the House.

I, Sir, had not the happiness (a happiness now counterbalanced by a proportionate excess of sorrow and regret) to be acquainted personally, in private life, with the distinguished and amiable individual whose loss we have to deplore. I knew him only within the walls of the House of Commons. And even here, from the circumstance of my absence during the last two sessions, I had not the good fortune to witness the later and more matured exhibition of his talents; which (as I am informed, and can well believe) at once kept the promise of his earlier years, and opened still wider expectations of future excellence.

But I had seen enough of him to share in those expectations; and to be sensible of what this House and the country have lost by his being so prematurely taken from us.

He had, indeed, qualifications eminently calculated to obtain and to deserve success. His sound principles—his enlarged views—his various and accurate knowledge—the even tenour of his manly and temperate eloquence—the genuineness of his warmth, when into warmth he was betrayed—and, above all, the singular modesty with which he bore his faculties, and which shed a grace and lustre over them all;

these qualifications, added to the known blamelessness and purity of his private character, did not more endear him to his friends, than they commanded the respect of those to whom he was opposed in adverse politics; they ensured to every effort of his abilities an attentive and favouring audience; and secured for him, as the result of all, a solid and unenvied reputation.

I cannot conclude, Sir, without adverting to a topic in the latter part of the speech of my noble friend, upon which I most entirely concur with him. It would not be seemly to mix with the mournful subject of our present contemplation any thing of a controversial nature. But when, for the second time within a short course of years, the name of an obscure borough is brought before us as vacated by the loss of conspicuous talents and character*, it may be permitted to me, with my avowed and notorious opinions on the subject of our parliamentary constitution, to state, without offence, that it is at least some consolation for the imputed theoretical defects of that constitution, that in practice it works so well. A system of representation cannot be wholly vicious, and altogether inadequate to its purposes, which sends to this House a succession of such men as those whom we have now in our remembrance, here to develope the talents with which God has endowed them, and to attain that eminence in the view of their country, from which they may be one day called to aid her counsels, and to sustain her greatness and her glory.

Mr. Manners Sutton.†—I know not whether I ought, even for a moment, to intrude myself on the

* Mr. Windham, who represented St. Mawes in 1806, died member for Higham Ferrers in 1810.

† Afterwards Speaker; the present Viscount Canterbury.

House: I am utterly incapable of adding any thing to what has been so well, so feelingly, and so truly stated on this melancholy occasion; and yet I hope, without the appearance of presumption, I may be permitted to say, from the bottom of my heart, I share in every sentiment that has been expressed.

It was my good fortune, some few years back, to live in habits of great intimacy and friendship with Mr. Horner: change of circumstances, my quitting the profession to which we both belonged, broke in upon those habits of intercourse; but I hope and believe I may flatter myself the feeling was mutual. For myself, at least, I can most honestly say, that no change of circumstances—no difference of politics—no interruption to our habits of intercourse, even in the slightest degree diminished the respect, the regard, and the affection I most sincerely entertained for him.

This House can well appreciate the heavy loss we have sustained in him, as a public man. In these times, indeed in all times, so perfect a combination of commanding talents, indefatigable industry, and stern integrity, must be a severe public loss: but no man, who has not had the happiness—the *blessing*, I might say, to have known him as a friend; who has not witnessed the many virtues and endearing qualities that characterized him in the circle of his acquaintance, can adequately conceive the irreparable chasm in private life this lamentable event has made.

In my conscience I believe there never lived the man, of whom it could more truly be said, that, whenever he was found in public life, he was respected and admired—whenever he was known in private life, he was most affectionately beloved.

I will no longer try the patience of the House: I

was anxious, indeed, that they should bear with me for a few moments, whilst I endeavoured, not to add my tribute to the regard and veneration in which his memory ought, and assuredly will be held; but whilst I endeavoured, however feebly, to discharge a debt of gratitude, and do a justice to my own feelings.

Mr. Wynn* said, that his noble friend (Lord Morpeth), and his right honourable friend who had last spoken (Mr. M. Sutton), had expressed themselves concerning their departed friend with that feeling of affection and esteem which did them so much honour, and which was heightened by their habits of intimacy, and their opportunities of observing his character; but the virtues by which he was distinguished were not confined within the circle of his acquaintance, or concealed from the view of the world. Every one who saw Mr. Horner had the means of judging of his temper, his mildness, and his personal virtues; for they were seen by all. He carried with him to public life, and into the duties and the business of his public station, all that gentleness of disposition, all that amenity of feeling, which adorned his private life, and endeared him to his private friends. Amidst the heats and contests of the House, amidst the vehemence of political discussion, amidst the greatest conflicts of opinion and opposition of judgment, he maintained the same mildness and serenity of disposition and temper. No eagerness of debate, no warmth of feeling, no enthusiasm for his own opinions, or conviction of the errors of others, ever betrayed him into any uncandid construction of motives, or any asperity towards the conduct of his opponents. His loss was great, and would long be regretted.

* The Right Hon. Charles Williams Wynn.

Sir Samuel Romilly said, that the long and most intimate friendship which he had enjoyed with the honourable member, whose loss the House had to deplore, might, he hoped, entitle him to the melancholy satisfaction of saying a few words on this distressing occasion. Though no person better knew, or more highly estimated, the private virtues of Mr. Horner than himself, yet, as he was not sure that he should be able to utter what he felt on that subject, he would speak of him only as a public man.

Of all the estimable qualities which distinguished his character, he considered as the most valuable, that independence of mind which in him was so remarkable. It was from a consciousness of that independence, and from a just sense of its importance, that, at the same time that he was storing his mind with the most various knowledge on all subjects connected with our internal economy and foreign politics, and that he was taking a conspicuous and most successful part in all the great questions which have lately been discussed in Parliament, he laboriously devoted himself to all the painful duties of his profession. Though his success at the bar was not at all adequate to his merits, he yet steadfastly persevered in his labours, and seemed to consider it as essential to his independence that he should look forward to his profession alone for the honours and emoluments to which his extraordinary talents gave him so just a claim.

In the course of the last twelve years the House had lost some of the most considerable men that ever had enlightened and adorned it: there was this, however, peculiar in their present loss. When those great and eminent men to whom he alluded were taken from them, the House knew the whole extent of the

loss it had sustained, for they had arrived at the full maturity of their great powers and endowments. But no person could recollect — how in every year since his lamented friend had first taken part in their debates, his talents had been improving, his faculties had been developed, and his commanding eloquence had been rising with the important subjects on which it had been employed — how every session he had spoken with still increasing weight and authority and effect, and had called forth new resources of his enlightened and comprehensive mind — and not be led to conjecture, that, notwithstanding the great excellence which, in the last session, he had attained, yet if he had been longer spared, he would have discovered powers not yet discovered to the House, and of which perhaps he was unconscious himself. He should very ill express what he felt upon this occasion, if he were to consider the extraordinary qualities which Mr. Horner possessed apart from the ends and objects to which they were directed. The greatest eloquence was in itself only an object of vain and transient admiration; it was only when ennobled by the uses to which it was applied, when directed to great and virtuous ends, to the protection of the oppressed, to the enfranchisement of the enslaved, to the extension of knowledge, to dispelling the clouds of ignorance and superstition, to the advancement of the best interests of the country, and to enlarging the sphere of human happiness, that it became a national benefit and a public blessing; that it was because the powerful talents, of which they were now deprived, had been uniformly exerted in the pursuit and promoting of such objects, that he considered the loss which they had to lament as one of the greatest which, in the present state of this country, it could possibly have sustained.

MR. W. ELLIOT.* — Amongst his other friends, Sir, I cannot refuse to myself the melancholy consolation of paying my humble tribute of esteem and affection to the memory of a person, of whose rich, cultivated, and enlightened mind I have so often profited, and whose exquisite talents — whose ardent zeal for truth — whose just, sedate, and discriminating judgment — whose forcible, but chastened eloquence — and, above all, whose inflexible virtue and integrity rendered him one of the most distinguished members of this House, one of the brightest ornaments of the profession to which he belonged, and held him forth as a finished model for the imitation of the rising generation.

The full amount of such a loss, at such a conjuncture, and under all the various circumstances and considerations of the case, I dare not attempt to estimate. My learned friend (Sir S. Romilly) has well observed, that, if the present loss be great, the future loss is greater: for, by dispensations far above the reach of human scrutiny, he has been taken from us at a period when he was only in his progress towards those high stations in the state, in which, so far as human foresight could discern, his merits must have placed him, and which would have given to his country the full and ripened benefits of his rare and admirable qualities.

MR. C. GRANT† had known his lamented friend before he had distinguished himself so much as he had subsequently done; and could not be silent when such an opportunity occurred of paying a tribute to his memory. Whatever difference of opinion they might have on public questions, he could suspend that difference to admire his talents, his worth, and his virtues. It was not his talents alone that were developed

* The Right Hon. William Elliot. See Vol. II. p. 159.
† The present Lord Glenelg.

in his eloquence. His eloquence displayed his heart: through it were seen his high-minded probity, his philanthropy, his benevolence, and all those qualities which not only exacted applause, but excited love. It was the mind that appeared in speeches that gave them character. He would not enter into the account of his private life, although his private virtues were at least on a level with his public merits. Amidst all the cares and interests of public life, he never lost his relish for domestic society or his attachment to his family. The last time that he (Mr. G.) conversed with him, he was anticipating with pleasure the arrival of a season of leisure, when he could spend a short time in the bosom of his family, and amid the endearments of his friends. When he looked at his public or private conduct, his virtues, or his talents, he would be allowed to have earned applause to which few other men ever entitled themselves.

Lord Lascelles* hoped to be excused for adding a few words to what had been said, though he had not the honour of a private acquaintance with Mr. Horner, whom he knew only in this House, where they had almost uniformly voted on opposite sides on every great question. Notwithstanding these differences, he had often said in private, that Mr. Horner was one of the greatest ornaments of his country, and he would now say in public, that the country could not have suffered a greater loss. The forms of Parliament allowed no means of expressing the collective opinion of the House on the honour due to his memory; but it must be consolatory to his friends to see that if it had been possible to have come to such a vote, it would certainly have been unanimous.

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* The late Earl of Harewood.

These speeches in the House of Commons were printed for private circulation. They were translated into Italian by Ugo Foscolo, and a few copies of the translation were also printed, to which M. Foscolo prefixed the following dedication: —

" AL NOBILE GIOVINETTO
ENRICO FOX,
FIGLIO DI LORD HOLLAND.

" So di mandarvi un dono che vi rinnoverà amaro nell' anima il desiderio di Francesco Horner. Ma quanto è più lunga e più generosa, tanto è più utile a noi l' afflizione per gli uomini egregj, i quali dopo d' averci amati e istruiti, sanno beneficarci anche dalla lor sepoltura. La morte non fù al tutto immatura per esso; non gli lasciò meritare la invidia, la ingratitudine, e la sazietà de' mortali; e nol ritolse alla terra, se non quando ei s' era già fatto degno che i suoi concittadini ponessero molte speranze in lui solo. Or da che non v' è conceduto d' essere spettatore delle sue azioni, contemplatele nelle sue lodi. Potrete emularle, perchè vivete in libera patria, e vedete le pubbliche virtù venerate nella memoria del vostro zio, ed amate nel padre vostro: e la Natura vi ha dotato d' indole si gentile, da non sentirvi felice se non quando proccacierete fama a voi, ed utile agli altri. Ricordivi dell' amico rapito nel vigor dell' età, ed affretatevi. E mentre voi, giovinetto, ricalcando i vestigj di quel cittadino, salirete animoso per le vie della vita, io stanco, e privo di patria, andrò ripensando al sicuro riposo e all' anima divina di quel mortale, e non mi rincrescera di discenderle. Addio.

" UGO FOSCOLO.

" Soho Square, 12 Maggio, 1817."

BY MR. DUGALD STEWART.

In the second part of his "Dissertation on the Progress of Metaphysical, Ethical, and Political Philosophy, since the Revival of Letters in Europe," prefixed to the seventh edition of the Encyclopædia Britannica, edited by Professor Napier, (note c. p. 236.) Mr. Stewart has quoted the passage relating to Machiavel, in the letter of Mr. Horner to Mrs. Stewart of the 17th of December 1816, beginning with the words "Pray tell Mr. Stewart that there is a very remarkable letter of Machiavel's lately published, &c.," and has added the following tribute to the memory of his departed friend: —

"The foregoing passage will be read by many with no common interest, when it is known that it formed part of a letter from the late Francis Horner, written a very few weeks before his death. Independently of the satisfaction I feel in preserving a memorial of his kind attention to his friends, at a period when he was himself an object of such anxious solicitude to his country, I was eager to record the opinion of so perfect and accomplished a judge on a question which, for more than two centuries, has divided the learned world; and which, his profound admiration of Machiavel's genius, combined with the most unqualified detestation of Machiavel's principles, had led him to study with peculiar care.

"The united tribute of respect already paid by Mr. Horner's political friends and his political opponents, to his short but brilliant and spotless career in public life, renders all additional eulogies on his merits as a statesman, equally feeble and superfluous. Of the extent and variety of his learning, the

depth and accuracy of his scientific attainments, the classical (perhaps somewhat severe) purity of his taste, and the truly philosophical cast of his whole mind, none had better opportunities than myself to form a judgment, in the course of a friendship which commenced before he left the university, and which grew till the moment of his death. But on these rare endowments of his understanding, or the still rarer combination of virtues which shed over all his mental gifts a characteristical grace and a moral harmony, this is not the proper place to enlarge. Never, certainly, was more completely realized the ideal portrait so nobly imagined by the Roman poet: 'A calm devotion to reason and justice, the sanctuary of the heart undefiled, and a breast glowing with inborn honour.'

> 'Compositum jus fasque animo, sanctosque recessus
> Mentis, et incoctum generoso pectus honesto.'"

BY SIR JAMES MACKINTOSH.

In the Second Preliminary Dissertation prefixed to the seventh edition of the Encyclopædia, on the Progress of Ethical Philosophy during the Seventeenth and Eighteenth Centuries, by Sir James Mackintosh, and in the section on the writings of Dugald Stewart, (p. 386.) the following passage occurs: —

"Perhaps few men ever lived, who poured into the breasts of youth a more fervid and yet reasonable love of liberty, of truth, and of virtue. How many are still alive, in different countries, and in every rank to which education reaches, who, if they accurately examined their own minds and lives, would not ascribe much of whatever goodness and happiness they possess, to the early impressions of his gentle and persuasive eloquence! He lived to see his disciples distinguished

among the lights and ornaments of the council and the senate. He had the consolation to be sure that no words of his promoted the growth of an impure taste, of an exclusive prejudice, of a malevolent passion. Without derogation from his writings, it may be said that his disciples were among his best works." He adds in a note — "As an example of Mr. Stewart's school, may be mentioned Francis Horner, a favourite pupil, and, till his last moment, an affectionate friend. The short life of this excellent person is worthy of serious contemplation, by those more especially, who, in circumstances like his, enter on the slippery path of public affairs. Without the aids of birth or fortune, in an assembly where aristocratical propensities prevail, — by his understanding, industry, pure taste, and useful information, — still more by modest independence, by steadiness and sincerity, joined to moderation, — by the stamp of unbending integrity, and by the conscientious considerateness which breathed through his well-chosen language, — he raised himself, at the early age of thirty-six, to a moral *authority* which, without these qualities, no brilliancy of talents or power of reasoning, could have acquired. No eminent speaker in Parliament owed so much of his success to his moral *character*. His high place was therefore honourable to his audience and to his country. Regret for his death was expressed with touching unanimity from every part of a divided assembly, unused to manifestations of sensibility, abhorrent from theatrical display, and whose tribute, on such an occasion, derived its peculiar value from their general coldness and sluggishness. The tears of those to whom he was unknown, were shed over him; and at the head of those by whom he was 'praised, wept, and honoured,' was one, whose commendation would have been more en-

hanced in the eye of Mr. Horner, by his discernment and veracity, than by the signal proof of the concurrence of all orders, as well as parties, which was afforded by the name of Howard."

BY THE REVEREND JOHN HEWLETT.*

It is stated in the first volume of these Memoirs, page 46., that a translation of Euler's Algebra was made by Mr. Horner, while he was under Mr. Hewlett's care. In the preface to a new edition of the work, published after Mr. Horner's death, the affectionate preceptor pays the following tribute to the memory of his pupil and friend:

"The English nation will long remember, and ever estimate, as they ought, his manly eloquence in the senate; his lofty spirit of independence, which had no mixture of pride or affectation; his enlarged views and inflexible integrity; his vigilance and activity in the discharge of public duties; his fairness and liberality, his temperance and firmness in debate; his accurate, various, and extensive knowledge; the soundness of his argumentation, and the sagacity with which he unveiled deception, without coveting any triumph, or wishing to inflict disgrace; and his calm, but dignified opposition, which often confuted the errors, and exposed the misapprehensions of his opponents; but without ever provoking resentment, or making an enemy.

"All these qualities, however rare, when united, it is well known, he possessed; and, on this subject, many members on both sides of the House of Commons have borne the most ample testimony: but those only

* See Vol. I. p. 6.

who enjoyed the happiness of being numbered among his intimate friends, could form any adequate idea of the uncommon *affectionateness* of his character; his lasting, disinterested, and sincere attachments; his gentle, unassuming manners; and his readiness, at all times, to do good, and to relieve the distressed, without the slightest tincture of vanity or ostentation. In the discharge of his duties as a son and a brother, it is almost needless to add, that his conduct was most exemplary.

"His loss as a public character will be long felt and deplored; and, in private life, it has produced a chasm that can never be filled up. To have had some share in directing the studies, cultivating the talents, and forming the taste of such a man, will always be to me a source of the greatest satisfaction. That he should have fallen a victim to lingering disease, in the prime of manhood, and before he had reached the meridian of his brilliant and useful career, is truly deplorable; yet we should be thankful for what we once possessed. He is indeed gone; 'but though dead he still liveth.' All regret for his premature death is vain; and it should be remembered, that humble resignation to the Divine Will is one of the first duties of every human being.

"His saltem accumulem donis, et fungar inani
Munere."

BY THE REV. DR. PARR.

Letter from Dr. Parr to Mr. L. Horner.

Dear Mr. Horner, Hatton, 25th July, 1817.

I would not venture to answer your polite and candid letter, till I could have the aid of a scribe

who writes more legibly than myself. The oldest of your late brother's friends, the nearest of his relations, the warmest of his admirers cannot hold a higher opinion than I do of his attainments, talents, and virtues. I thought his knowledge various, correct, and ready for use. In his language, he united the precision of a philosopher with the elegance of a scholar. He had cheerfulness without levity, and seriousness without austerity. He was sincere in his principles and steady in his attachments. But his manners were mild, his temper was benevolent, and, with a becoming zeal in the support of his own opinions, he was perfectly exempt from intolerance to those who thought differently from himself.

In truth, dear Sir, I have rarely seen so many amiable and so many respectable qualities blended together in the same mind, and each giving additional lustre to the operations of the other. One decisive proof of the intellectual and moral discipline which distinguished him, was to be found in the phraseology and the spirit with which he often spoke of Scottish learning, and Scottish science. He never depreciated nor exaggerated the merits of either; and in commending the excellencies of English writers, there was a promptness, and there was a sincerity, and there was an ardour, which I have not often perceived in his countrymen. Such magnanimity was worthy of his most enlightened mind and uncorrupted heart; and permit me to add, that the praise which I now unfeignedly bestow upon Mr. Horner, is, for the same reason, and in the same extent, to be given to our common friend, Mr. Dugald Stewart. You know very well the disgust and the displeasure which I feel for that scantiness of commendation which Englishmen grant to their northern neighbours.

We live in an age when every studious and well-informed man should lift up his voice against national prejudices, where they would lead us to undervalue the improvements of the human understanding.

I have the honour to be, dear Sir,

Your faithful wellwisher, and respectful, obedient servant,

SAMUEL PARR.

BY THE REV. SYDNEY SMITH.

Letter from Mr. Smith to Mr. L. Horner.

My dear Sir, Combe Florey, 26th August, 1842.

You desire me to commit to paper my recollections of your brother, Francis Horner. I think that the many years which have elapsed since his death, have not at all impaired my memory of his virtues, at the same time that they have afforded me more ample means of comparing him with other important human beings with whom I have become acquainted since that period.

I first made the acquaintance of Francis Horner at Edinburgh, where he was among the most conspicuous young men in that energetic, and infragrant city. My desire to know him, proceeded first of all from being cautioned against him by some excellent and feeble people to whom I had brought letters of introduction, and who represented him to me as a person of violent political opinions; I interpreted this to mean a person who thought for himself — who had firmness enough to take his own line in life, and who loved truth better than he loved Dundas, at that time the tyrant of Scotland. I found my interpretation to be just, and from thence till the period of his

death, we lived in constant society, and friendship with each other.

There was something very remarkable in his countenance — the commandments were written on his face, and I have often told him there was not a crime he might not commit with impunity, as no judge or jury who saw him, would give the smallest degree of credit to any evidence against him: there was in his look a calm settled love of all that was honourable and good — an air of wisdom and of sweetness; you saw at once that he was a great man, whom nature had intended for a leader of human beings; you ranged yourself willingly under his banners, and cheerfully submitted to his sway.

He had an intense love of knowledge; he wasted very little of the portion of life conceded to him, and was always improving himself, not in the most foolish of all schemes of education, in making long and short verses and scanning Greek choruses, but in the masculine pursuits of the philosophy of legislation, of political economy, of the constitutional history of the country, and of the history and changes of Ancient and Modern Europe. He had read so much, and so well, that he was a contemporary of all men, and a citizen of all states.

I never saw any person who took such a lively interest in the daily happiness of his friends. If you were unwell, if there was a sick child in the nursery, if any death happened in your family, he never forgot you for an instant! You always found there was a man with a good heart who was never far from you.

He loved truth so much, that he never could bear any jesting upon important subjects. I remember one evening the late Lord Dudley and myself pretended to justify the conduct of the government in

stealing the Danish fleet; we carried on the argument with some wickedness against our graver friend; he could not stand it, but bolted indignantly out of the room; we flung up the sash, and, with loud peals of laughter, professed ourselves decided Scandinavians; we offered him not only the ships, but all the shot, powder, cordage, and even the biscuit, if he would come back: but nothing could turn him; he went home; and it took us a fortnight of serious behaviour before we were forgiven.

Francis Horner was a very modest person, which men of great understanding seldom are. It was his habit to confirm his opinion by the opinions of others: and often to form them from the same source.

His success in the House of Commons was decided and immediate, and went on increasing to the last day of his life. Though put into Parliament by some of the Great Borough Lords, every one saw that he represented his own real opinions: without hereditary wealth, and known as a writer in the Edinburgh Review, his independence was never questioned: his integrity, sincerity, and moderation, were acknowledged by all sides, and respected even by those impudent assassins who live only to discourage honesty and traduce virtue. The House of Commons, as a near relation of mine once observed, has more good taste than any man in it. Horner, from his manners, his ability, and his integrity, became a general favourite with the House; they suspended for him their habitual dislike of lawyers, of political adventurers, and of young men of *conseederable taalents* from the North.

Your brother was wholly without pretensions or affectation. I have lived a long time in Scotland, and

have seen very few affected Scotchmen; of those few he certainly was not one. In the ordinary course of life, he never bestowed a thought upon the effect he was producing; he trusted to his own good nature, and good intentions, and left the rest to chance.

Having known him well before he had acquired a great London reputation, I never observed that his fame produced the slightest alteration in his deportment: he was as affable to me, and to all his old friends, as when we were debating metaphysics in a garret in Edinburgh. I don't think it was in the power of ermine or mace, or seals, or lawn, or lace, or of any of those emblems and ornaments with which power loves to decorate itself, to have destroyed the simplicity of his character. I believe it would have defied all the corrupting appellations of human vanity: Serene, Honourable, Right Honourable, Sacred, Reverend, Right Reverend, Lord High, Earl, Marquis, Lord Mayor, Your Grace, Your Honour, and every other vocable which folly has invented and idolatry cherished, would all have been lavished on him in vain.

The character of his understanding was the exercise of vigorous reasoning, in pursuit of important and difficult truth. He had no wit; nor did he condescend to that inferior variety of this electric talent which prevails occasionally in the north, and which, under the name of *Wut*, is so infinitely distressing to persons of good taste: he had no very ardent and poetical imagination, but he had that innate force, which,

> ——— Quemvis perferre laborem
> Suasit, et induxit noctes vigilare serenas
> Quærentem dictis quibus, et quo carmine demum
> Clara suæ possit præpandere lumina menti.

Your late excellent father, though a very well informed person, was not what would be called a literary man, and you will readily concede to me that none of his family would pretend to rival your brother in point of talents. I never saw more constant and high principled attention to parents than in his instance; more habitual and respectful deference to their opinions and wishes. I never saw brothers and sisters, over whom he might have assumed a family sovereignty, treated with more cheerful, and endearing equality. I mention these things, because men who do good things are so much more valuable than those who say wise ones; because the order of human excellence is so often inverted, and great talents considered as an excuse for the absence of obscure virtues.

Francis Horner was always very guarded in his political opinions; guarded I mean against the excesses into which so many young men of talents were betrayed by their admiration of the French revolution. He was an English whig, and no more than an English whig. He mourned sincerely over the crimes, and madness of France, and never for a single moment surrendered his understanding to the novelty and nonsense which infested the world at that strange æra of human affairs.

I remember the death of many eminent Englishmen, but I can safely say, I never remember an impression so general as that excited by the death of Francis Horner. The public looked upon him as a powerful and safe man, who was labouring not for himself or his party, but for them. They were convinced of his talents, they confided in his moderation, and they were sure of his motives; he had improved so quickly, and so much, that his early death was looked on as the destruction of a great statesman, who had

done but a small part of the good which might be expected from him, who would infallibly have risen to the highest offices, and as infallibly have filled them to the public good. Then as he had never lost a friend, and made so few enemies, there was no friction, no drawback; public feeling had its free course; the image of a good and great man was broadly before the world, unsullied by any breath of hatred; there was nothing but pure sorrow! Youth destroyed before its time, great talents and wisdom hurried to the grave, a kind and good man, who might have lived for the glory of England, torn from us in the flower of his life! — but all this is gone and past, and, as Galileo said of his lost sight, "It has pleased God it should be so, and it must please me also."

Ever truly yours,

SYDNEY SMITH.

BY THE SPECULATIVE SOCIETY OF EDINBURGH.

On the 25th of March, 1817, it was resolved, "That to express and perpetuate the respect of the Society for the memory of Francis Horner, Esq. a Member of this Society, a portrait of Mr. Horner be procured, to be hung up in the Society's Hall, with an appropriate inscription."

A copy was made by Sir Henry Raeburn of the portrait he had painted for Mr. L. Horner in 1812, and from which the engraving that forms the frontispiece of Vol. I. is taken. It was placed in the Hall

of the Society, in the College of Edinburgh, with the following inscription:

"PLACED IN THE YEAR 1820
BY THE
SPECULATIVE SOCIETY
IN HONOUR OF
FRANCIS HORNER, ESQ. M. P.
FIRST THE ORNAMENT OF THIS INSTITUTION,
AND THEN OF HIS COUNTRY."

MONUMENT IN WESTMINSTER ABBEY.

The beautiful marble statue of Mr. Horner, which forms a conspicuous object in the north transept of the abbey, was placed there under the direction of Viscount Morpeth, the Marquis of Lansdowne, Lord Holland, Lord Auckland, and the Honourable James Abercromby. The names of the Subscribers are given in the Appendix (G). It was executed by Sir Francis Chantrey, and is considered to be one of his most successful productions.

The following is the inscription on the pedestal:

"TO THE MEMORY OF
FRANCIS HORNER,
WHO, BY THE UNION OF GREAT AND VARIOUS ACQUIREMENTS
WITH INFLEXIBLE INTEGRITY AND UNWEARIED DEVOTION
TO THE INTERESTS OF THE COUNTRY,
RAISED HIMSELF TO AN EMINENT STATION IN SOCIETY,
AND WAS JUSTLY CONSIDERED TO BE ONE OF THE
MOST DISTINGUISHED MEMBERS OF THE HOUSE OF COMMONS.
HE WAS BORN AT EDINBURGH IN 1778,
WAS CALLED TO THE BAR, BOTH OF ENGLAND AND SCOTLAND,
AND CLOSED HIS SHORT BUT USEFUL LIFE AT PISA IN 1817.
HIS DEATH WAS DEEPLY FELT
AND PUBLICKLY DEPLORED IN PARLIAMENT.
HIS AFFECTIONATE FRIENDS AND SINCERE ADMIRERS,
ANXIOUS THAT SOME MEMORIAL SHOULD EXIST
OF MERITS UNIVERSALLY ACKNOWLEDGED,
OF EXPECTATIONS WHICH A PREMATURE DEATH
COULD ALONE HAVE FRUSTRATED, ERECTED THIS MONUMENT,
A. D. 1823"

MONUMENT AT LEGHORN.

A marble monument, erected by his Father, covers Mr. Horner's grave in the Protestant Cemetery at Leghorn. It was designed by Sir Henry C. Englefield, Baronet; and at one of the ends there is a likeness of Mr. Horner, in relief, the size of life, which was executed by Sir Francis Chantrey.

On one of the sides there is the following inscription:

"FRANCISCUS HORNER,
SENATOR BRITANNICUS;
NAT. EDINBURGI PRID. ID. AUG. MDCCLXXVIII,
OB. PISIS VI. ID. FEBRUAR. MDCCCXVII.
PUBLICE
CONSPICIEBANTUR INGENIUM EJUS EXCELSUM,
FIDES INTEMERATA:
PRIVATIM,
FILIUS, FRATER, AMICUS,
PIUS, AMANS, SINCERUS.
HOC MONUMENTUM
MEMORIÆ TALIS NATI
SACRAVIT PATER."

APPENDIX.

APPENDIX D. (Page 375.)

NOTES ON DANTE.

WHEN we landed at Leghorn, where we remained only a few hours, my brother sent for a bookseller's catalogue, and bought a copy of Dante. It was the edition in four volumes 8vo., by Poggiali, Livorno, 1807; and it was this copy he used in the "study of Dante," of which he speaks in his letter to Lady Holland of the 13th of December. He made somewhat copious notes on the "Inferno;" and these I recently showed to my friend Mr. Herman Merivale, of whose familiar acquaintance with the works of the great poet I was aware. The impression which the perusal of them made upon him he has, at my request, described in the following letter: —

My dear Sir, Regent's Park, February 13. 1843.

I am much obliged for the opportunity which you have given me of looking over the records of Mr. Horner's first impressions while studying the great poem of Dante, and enjoying the pleasure of travelling again over that favourite ground in the company of a critic of so much taste and acuteness.

I had understood from you that Mr. Horner only took up this pursuit during leisure hours in his visit to Italy, and under the pressure of his last fatal illness. Of course, therefore, I did not expect to find him conversant with the "Commedia" after the fashion of Italian scholars, who make it a study of years, and seem often to become so exclusively Dantesque in their mode of regarding the poet, that they never judge him at all by ordinary rules, and illustrate him, as Scripture is illustrated, only on a system of concordances. I do not know from what source he derived the conjecture as to the allegorical meaning of the Wolf in the first canto: if original, it was a curious anticipation on his part of the doc-

trines which Professor Rossetti has since set forth with such abundance of ingenuity. But, with this exception, I do not perceive that he troubled himself with the inner meaning or meanings of the poem, more than a casual reader for the first time may be expected to do. And it is plain enough that he noted down his observations as he read, and did not revise them. For example, I do not think that he would have expressed himself as he has done in a note on canto 10. respecting Dante's want of philosophical sentiment on general human affairs, if he had then read the "Purgatorio" and "Paradiso," and am very certain that he would not have accused him, a little farther on, of deficiency in love of country, in the modern or classical sense of the phrase, when he had got as far as the 15th canto of the latter cantica. It was not, however, as an exercise on Dante that these remarks have chiefly interested me; but from the illustrations they afford of the taste and genius of the writer himself,—of the manner in which the principal characteristics of the Italian poet struck him on the first reading, coming to the task with little or no especial preparation, but with a mind full of literary wealth, a strong sense of beauty of style, and an acute and practised critical discernment. Nothing can be happier than his appreciation of some of the peculiar beauties of Dante's style. I have an hundred times read the remark, that he is the most picturesque of poets; but I do not know when I have seen the meaning of the phrase so well explained, or the *trick* of Dante's pictures, if I may use the phrase, so neatly described, as in the following passage:—

"This is an instance (I have passed by many much finer) of the talent which this poet possessed of placing before the very eye of the reader the object he represents. In point of execution, the success of such passages greatly depends on a well-ordered conciseness; for a difference in the relative position of two words, and the use or omission of some very ordinary phrase, may make the whole obscure or bright as a picture. All great writers, indeed, must possess this graphical power, or they fail in an essential part of writing; but their manner varies: some erring by having aimed at brevity, and forcing the parts of their description too close upon one another; others, by aiming at a prolongation of the effect by a succes-

sion of pictures running into one another, like the circle of a panorama. Both fail to give their reader, if I may say so, a point of sight: the former seems confused and obscure; the latter becomes weak, lax, and obscure too. A selection of instances, not only perfect ones, but of some that are defective both ways, taken from the best classics of different languages, and accompanied with a criticism in search of what this defect or excellence turns on, would be a useful exercise for the student who made it..... One cause of the vividness of Dante's pictures is, I think, *that he generally chooses one moment of time*, and rarely attempts to represent successive actions."

Another instance (to my mind) of the same intuitive correctness of judgment occurs in the comparison of Dante with Tacitus, the only ancient writer of whom Mr. Horner found himself in the least degree reminded by the subject of his new studies. It is plain that the rhetorical excellences of the poet are those which impressed him most; and I think Lord Brougham says, that the study of Dante formed an important part of his own discipline as an orator. I am struck, too, with the evident preference with which he, fresh from the political excitement of English state commotions, fixes on the magnificent episode of Farinata degli Uberti: for in Dante, as in Shakspeare, every man selects by instinct that which assimilates with the course of his own previous occupation and interests. As to Mr. Horner's criticisms on the defects of taste and style which pervade the "Commedia," I believe that in these days, when it is the fashion to view the poet through a medium of transcendentalism, such criticisms are considered a kind of leze-majesty, as much as in the case of Shakspeare aforesaid: but I am not ashamed to confess that all my affection for him does not save me from feeling often oppressed under the

"In eterno faticoso manto"

of far-fetched extravagance, in which so much of his nobler thought is enveloped.

One thing only I was sorry to meet with: I mean the depreciation of the "Purgatorio." I fancy it is not uncommon on a first reading to regard it as much less interesting than

the first division; but not, I should have imagined, with one of Mr. Horner's taste and feeling. But am I wrong in suspecting that the gradual depression of long illness acted in this instance on his judgment, rendering him averse from that steady and minute attention, that labour of love, by which alone the deep-seated beauties of this part of the poem are to be reached? Certainly, of all undertakings, I should have thought the first perusal of Dante least calculated for the relaxation of a sick chamber, and that of a man in the full tide of life, whose heart must have been wrapt up in interests of a far more stirring character. I never knew the Florentine heartily studied, except when taken up in youth, while there are yet time and energy to spare, and with no call on the mind to husband its resources; but, when once mastered, what a mine of wealth to resort to in after days! The more reason (though of all men I ought least to say so to yourself) for regretting a little the *rabbia Tedesca*, which seems to have invaded our education of late years to such an extent as to have thrown the great Italian masters somewhat in the background.

Believe me, with many thanks,
Very sincerely yours,
HERMAN MERIVALE.

APPENDIX E. (Page 406.)

MANUSCRIPT BOOK

Begun within six days of Mr. Horner's Death. On the first page is written, "DESIGNS, at Pisa, 2d February 1817, under the auspices of opium and returning spring."

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These several subjects form titles to the pages of the book, as indicated in this Table of Contents, and under several of them Mr. Horner had written a few notes relating to that particular branch of his plan of study. The most complete are the following: —

(*Page* 1.) A. *Phil. Designs.*

a. Arrangement of the general principles of justice, and theory of laws.

b. Views set down, as hints for a general history of our own times; *i. e.* from the accession of George III. in England, to the close, when it may be, of the events which have grown out of the French Revolution.

A. *a.* "*Theory of Laws.*"

1. Of the principles that ought to regulate the constitution of courts of justice.

2. Of the foundation of the voluntary law of nations in the natural principles of justice.

A. *a. Theory of Justice.*

Solon is said to have been the first inventor of the Atlantic fable, and to have written an idea of a perfect republic under that title. It was probably the philosophical romance of his youth. But it is remarkable that an Utopia should have been composed by the author of the famous maxim, which is ascribed to him, which limits to actual existing circumstances the aim of the legislative reformer.

The line which separates criminal from civil jurisprudence, is perhaps not to be marked by any more fixed principle or permanent distinction, than the conveniency of treating *some* of the injuries that may be done to individuals as so important, that the public ought to take up the injury into their own hands, make a common cause of it, and consider retribution to the injured individual as less to be thought of than the punishment of the wrong-doer. The prevention of such injuries in future, by the terror of punishment, is the object of criminal law; that of civil justice, retribution to the person injured out of the means and substance of the wrong-doer. This conveniency, that is, the sort of injuries which will be included by such a line, and marked out for the objects of criminal law, will vary in different conditions of society: the history of criminal law from rude times is in general a progressive increase in the number of objects so selected.

(*Page* 23.) A. *b. History.*

As a subject of history, the period would admit of immense variety, both in point of narration, and for the principles of politics that would be illustrated by the events. If treated as an English history, there is scarcely a constitutional question which would not come in by way of narrative. The

true principles of political innovation, and of political liberty, would unavoidably be the moral of the work. The completion of the American Revolution, the formation of our East Indian empire, and our maxims there, Grattan's Irish Revolution in 1782, the origin and termination of the slave trade question, the origin and progress of the Catholic question, of the question of parliamentary reform, the excesses of the funding system.

The Spanish war, the Russian campaign; — the characters of Washington, Fox, —

The remarkable state of Europe on the eve of the French Revolution, after the interval of peace from 1783.

(*Page* 43.) B. *Political Preparations and Exercise.*

a. Spirit of the times, and character of passing events. (In part coincides with A. *b.*)

b. Works to be studied, with an eye to present times and circumstances.

c. Series of questions for discussion and practical adjustment in our politics.

B. *a. Times.*

Effect of war in throwing discredit upon political economy. Revival of such speculations on the return of peace, when men's minds are engaged in the repair of the disorders caused by war. This over Europe now.

War throws discredit upon all sober speculations of trade, by bringing into activity a new race of *practical* men.

(*Page* 61.) B. *b. Books.*

Aristotle's Politics. The Lettres Persanes, and Grandeur des Romains. De Retz. Cicero's Familiar Letters.

(*Page* 63.) B. *c. Questions. House of Commons.*

1. Principles and views of foreign politics.
2. Standing army.
3. Catholic claims.

4. Currency.
5. Sinking fund and debt.
6. Policy for England, in present circumstances, with regard to trade, shipping, manufactures, and husbandry.
7. Poor laws, and state of the labouring orders.
8. Parliamentary reform.
9. Clergy residence, and progress of the fanatics.
10. Slaves in West Indies.
11. Reforms in the law.

(*Page* 71.) B. *c.* 3. *Catholic Claims.*

Lord Eldon's position, that the State is essentially Protestant.

To reconcile Catholic Emancipation with the views and principles of the Whigs at the Revolution.

(*Page* 79.) B. *c.* 5. *Sinking Fund, Debt, and Revenue.*

Wm. Sm.'s (William Smith) language in last session about funds, and Dick's prejudices about stockholders and landholders. Multitude, and various classes of persons, throughout England, who hold property in the funds; in very small sums. Alarm...

(*Page* 91.) B. *c.* 8. *Parliamentary Reform.*

In such a country, two contending prejudices generally at work; each has its fits of greater violence occasionally, which brings about a re-action of the other; a passion for novelties for the sake of improvement, and zeal against innovation. Their conflict insures discussion. The stability of our institutions founded upon the improvements which work themselves out mature, from such conflict and discussion.

(*Page* 105.) B. *c.* 11. *Reforms in the Law.*

Insolvent debtors.
Extents in aid.
Gaol delivery in corporations.

Judgments on misdemeanour at *nisi prius.*
Statute of stabbing.
Statute of William, for treason trials, to Ireland.

(*Page* 113.) C. *Course of Critical Studies to be pursued; with Views bearing upon* A. *and* B.

a. Exact knowledge of the languages I already read.

b. More critical knowledge of the grammatical proprieties of English.

c. Studies in English composition.

d. Classical authors to be familiarly acquainted with.

(*Page* 117.) C. *c. Composition.*

Collect in standard authors those turns of common expression, which constitute the permanent, unvarying body of English idiom: works, in which to collect these,—the Bible, Shakspeare, Clarendon, Tillotson, Addison's Spectators, Dryden, Pope.

1. *Recent* authors, from whose writings some knowledge of the appropriate idioms of English phraseology may be gleaned, but with more danger of mistaking temporary fashion for permanent modes:—

Blackstone, but not in his shew passages; Soame Jenyns; Uvedale Price; Abram Tucker; White of Selborne; Sir J. Reynolds; Cowper's Letters, and Lady Mary's; George Ellis.

2. The rhythm of English prose; to adjust it to the sense, as well as to the sentiment. Of the former, very few examples to be produced; and those only in detached passages:—

Shaftesbury; Essay on Virtue; very harmonious, but the melody rather set to the sentiment of the work, than adjusted to the variations of argument and meaning. But examine it in detail.

Bolingbroke; various.

Middleton; aims at a Latin tune.

Junius; some fine instances. But in that tone of senti-

ment, the rhythm suggested by the sentiment more easily adjusts itself to the sense.

Johnson; in The Rambler, no adjustment; the rhythm dictates what is said. In his greater works, some excellent instances. No ear for varied harmony.

(*Page* 121.) C. *d. Classics.*

1. *Poets* to be habitually studied, the principles of their works to be thoroughly examined: —

Iliad and Odyssey; tragedies of Euripides; Virgil, both works; Ovid, the Metamorphoses; Dante, Inferno; Ariosto, Orlando Furioso; Racine, Molière, Shakspeare, Milton.

2. *Historians.*—Xenophon, Thucydides, Polybius, Tacitus, Sallust, Cæsar, Livy, Guicciardini, Sarpi, Davila, Machiavel, Hume.

3. For the resources of rhetoric, or for the power of diction and expression in their respective languages — Demosthenes, Plato, Cicero, Rousseau, Massillon, Bossuet.

The orations of Demosthenes and Cicero especially.

4. *Moralists,* and masters in the art of thinking: — Lord Bacon's logical writings; Cicero's philosophical dialogues; Aristotle's Ethics and Poetics; Epictetus, Antoninus, and the other remains of the Stoics; Sir J. Reynolds's Discourses; Addison's Spectators; Smith's Theory of Moral Sentiments; Dugald Stewart's works; Plutarch; Butler's Analogy; Paley's Natural Theology; and Hume's Dialogues.

(*Page* 125.) D. *Detached Subjects for Inquiry and Study.*

1. Books for the history of opinions: — *Cudworth*'s Intellectual System; *Beausobre,* Histoire des Manichées; Plutarch's Morals.

2. Aristotle's Politics, compared with Machiavel's Discourses, as a digest of the principles and sentiments of their respective times. The notions of political justice and public morality, current among the small republics of Greece, compared with those of the Italians in their similar circumstances.

3. Plato's *Style.*

4. Of the exact adjustment of the rhythm of composition to the sense as it runs and varies, as well as to the character of the subject. Different great masters of writing examined in respect of this quality of composition. Conclusions with reference to English prose.

5. To read over all the Orations of Cicero, critically; and afterwards run over Rollin's Quintilian, for the particular study of the passages to which he refers.

(*Page* 129.) E. *Detached Subjects for Composition.*

1. An introduction to the art of reasoning, for the use of students.

2. A translation, into *pure* English, of the best parts of Aristotle's Politics.

3. Of the dialects of a cultivated language.

APPENDIX F. (Page 407.)

RÉSULTAT DE LA SECTION DU CADAVRE DU FEU M. FRANÇOIS HORNER.

SON CORPS n'était pas très maigre, et sa peau, surtout celle de la face, avait une teinte plombée; aux extremités des doigts elle était noire.

L'ouverture du bas ventre fit voir tous les viscères et organes contenus dans cette cavité parfaitement sains; on remarqua seulement le système veneux gorgé de sang.

La section de la poitrine laissa voir les poumons singulièrement rapetissés, et particulièrement le poumon droit. Leur couleur était livide, et leur superficie très inégale: cette inégalité naissait d'un très grand nombre de corps blancs, transparens, de forme et de volume très inégal; les plus petits étaient comme des lentilles, les plus gros comme des amandes. De ces corps on en voyait beaucoup à la face antérieure des poumons, peu à la face postérieure. Ces corps étaient de petits vésicules remplis d'air; sous la compression elles disparaissaient, et l'air passait dans les bronches; elles reparaissaient, si on poussait de l'air dans la trachée-artère. Ces vessies n'avaient aucune communication avec le tissu cellulaire, qui unit les cellules aériennes entre elles, de manière qu'il ne s'agissait pas d'emphysème, mais de dilatation morbifique des cellules aëriennes.

Une grande partie de la substance pulmonaire, et spécialement la partie postérieure de ces organes était condensée, durcie, et, dans beaucoup de points, entièrement hépatisée. Les lobes des poumons n'étaient pas adhérents entre eux; il n'y avait pas d'adhérences entre les poumons et la pleure. Les glandes lymphatiques des bronches étaient plus volumineuses qu'à l'ordinaire, la membrane des bronches légèrement engorgée.

Le pericarde était sain; entre cette membrane et le cœur il y avait une petite quantité de sérosité. Le cœur était ex-

trêmement flasque, et se laissait facilement déchirer par les doigts. L'oreillette droite était très dilatée, et remplie de sang. Le ventricule correspondant avait des parois très amincies, et c'était spécialement dans les parois de ce ventricule que l'on pouvait rémarquer le peu de ténacité de la substance musculaire que nous avons noté plus haut. Ce ventricule était rempli d'une substance blanche, assez compacte, fibreuse, fortement adhérente aux colonnes musculaires du ventricule. Cette substance était probablement de la lymphe plastique, formée dans les derniers moments de la vie.

Les deux autres cavités du cœur ne présentèrent rien de particulier.

Baillie (Anatomie Pathologique, ch. iv. sect. vi. et suiv.) et Lieutaud (Historia Anatomica-Medica) rapportent quelques exemples d'affections pathologiques, qui ont des rapports avec celle que nous avons décrite; mais je n'en trouve pas une, où l'on ait remarqué dans le même individu le rapétissement des poumons, la dilatation d'une partie des cellules aëriennes, l'hépatisation d'une grande partie des poumons, et l'affection du cœur.

(Signed) DOCTEUR VACCÀ BERLINGHIERI.

Pisa, le 12 Février, 1817.

Remarks by Dr. Pelham Warren on the above, in a Letter to John Allen, Esquire.

31. Lower Brook Street,
5th March, 1817.

Dear Sir,

I have shown Vaccà's account to Dr. Baillie, who considers the case as exhibiting a very unusual form of disease, and one which is evidently out of the reach of medicine. The state of the heart presented no unusual appearances; the flaccidity and tender structure of its fibres being met with very frequently in individuals whose constitutional powers have failed by slow decay: the appearance within the right ventricle was a coagulum of blood, not uncommonly found in that situation after death. The condensation of the lungs is also not unfrequently met with, and justifies the

opinion which Dr. Baillie held to you of such an alteration of structure being the probable cause of Mr. Horner's difficulty of breathing, which was never attributed to water in the chest, but to an obstruction of the circulation of the blood through the lungs, arising from some cause not easily distinguishable. The enlargement of the air cells to the extent mentioned by Dr. Vaccà is a disorder so rare, that there are only three instances to be found in the anatomical collections with which Dr. Baillie is acquainted. The immediate cause of death appears to have been owing to the increase of the obstruction of the lungs to such an extent, as to have prevented the free passage of the blood through the branches of the pulmonary artery, by which the right side of the heart became gradually gorged with blood, and its action was slowly suspended.

Yours faithfully,

PELHAM WARREN.

APPENDIX G. (Page 440.)

NAMES OF THE SUBSCRIBERS TO THE MONUMENT IN WESTMINSTER ABBEY.

H. R. H. the Duke of Gloucester.
The Duke of Devonshire.
The Duke of Bedford.
The Duke of Somerset.
The Duke of Buckingham.
The Marquis of Lansdowne.
The Earl of Essex.
Earl Grey.
Earl Fitzwilliam.
Earl of Rosslyn.
Earl of Darnley.
Earl of Dunmore.
Earl of Caernarvon.
Earl Spencer.
Earl of Lauderdale.
Earl of Minto.
Earl Cowper.
Earl of Jersey.
Lord Holland.
Lord King.
Lord Auckland.
Lord Carrington.
Lord Grenville.
Lord Kinnaird.
Marquis of Tavistock.
Viscount Ebrington.
Viscount Morpeth.
Viscount Milton.
Viscount Duncannon.
Lord Althorp.
Lord Webb Seymour.
Lord John Russell.
Lord Robert Spencer.
Lord George Cavendish.
The Hon. Wm. Lamb.
The Hon. J. W. Ward.
The Hon. Geo. Ponsonby.
The Hon. —— Wellesley.
The Hon. Frederick Douglas.
The Hon. Jas. Abercromby.
The Rt. Hon. George Tierney.
The Rt. Hon. C. Manners Sutton.
Sir John Marjoribanks, Bart., M.P.
Sir Coutts Trotter, Bart.
Sir Samuel Romilly, M. P.
Sir James Mackintosh.
Sir Robert Gifford.
Sir Ronald Ferguson.
Alexr. Baring, Esq., M. P.
I. N. Fazakerley, Esq., M. P.
Wm. Elliott, Esq., M. P.
Pascoe Grenfell, Esq., M. P.
J. Calcraft, Esq., M. P.
George Phillips, Esq., M. P.
Wm. Orde, Esq, M. P.
Chas. Grant, Jun., Esq., M. P.
Frankland Lewis, Esq., M. P.
Jas. Macdonald, Esq., M. P.
Richard Sharp, Esq., M. P.
Henry Brougham, Esq., M. P.
Wm. Courtenay, Esq., M. P.
James Scarlett, Esq., M. P.
M. A. Taylor, Esq., M. P.
John Smith, Esq., M. P.
Richard Heber, Esq., M. P.
Lady Carnegie.
John A. Murray, Esq.
Francis Jeffrey, Esq.
Thomas Thomson, Esq.
James Loch, Esq.
Henry Hallam, Esq.
W. G. Adam, Esq.
John Whishaw, Esq.
William Murray, Esq.
John Allen, Esq.
Philip Williams, Esq.
Professor Playfair.
Mr. Sergeant Lens.
Dr. Lushington.
Professor Smyth.
Robert Ferguson of Raith, Esq.
Charles Grant, Esq.
Richard Oswald, Esq.
Frederick Pigou, Esq.
The Rev. Mr. Douglas.
—— Tripp, Esq.

*The following List of Subscribers at Bombay was transmitted by Mr. William Erskine *, the early Friend of Mr. Horner, accompanied by the following Letter to Lord Auckland.*

My Lord, Bombay, 30th June, 1818.

I had the honour of receiving your letter of August 3d some time ago, and your Lordship only did me justice, in supposing that I should be gratified by any opportunity of showing my respect for the memory of one whom I admired and loved so much, as I did Mr. Horner.

Though not quite certain from the expressions of the letter, whether the number of the subscribers was intended to be limited or indefinite, yet as several gentlemen, some of them his friends, and all of them admirers of his public and private virtues, expressed a desire to be permitted to contribute for an object so congenial to their feelings, I have received their subscriptions.

I annex a list of the subscribers who would have been more numerous, at this presidency, but for circumstances which it is unnecessary to detail.

I have the honour to be, my Lord,
Your faithful servant,
WILLIAM ERSKINE.

Names of the Subscribers.

The Hon. Mountstuart Elphinstone.	Mansfield Forbes, Esq.
Brig. Gen. Sir John Malcolm.	Michie Forbes, Esq.
Wm. Erskine, Esq.	Theodore Forbes, Esq.
John Wedderburn, Esq.	Wm. Ashburner Morgan, Esq.
Robert Stewart, Esq.	John Taylor, M. D.
Olgeth Woodhouse, Esq.	Captain Vans Kennedy.
J. H. Crawford, Esq.	James Henderson, Esq.
R. E. Stephenson, Esq.	Edward Eden Elliot, Esq.

* See Vol. I. p. 98.

SPEECHES

OF

MR. HORNER

IN THE HOUSE OF COMMONS,

REFERRED TO IN THE TEXT.

SPEECHES

OF

MR. HORNER

IN THE HOUSE OF COMMONS,

REFERRED TO IN THE TEXT.*

I. ON THE REGENCY.

DEC. 20. 1810.

(Vol. II. p. 65.)

"The Solicitor-General (Sir Thomas Plomer) contended, that the proceeding in the appointment of a Regent, 'to exercise the powers and authorities of the Crown, in the name and on behalf of the King, during the continuance of his Majesty's present indisposition,' by way of a Bill, and that by way of an Address, were substantially the same thing, and only differed in the mode of effecting the same object. It was said, that to use the King's name in assenting to the Bill was a fiction. But even in the Address proposed by the right honourable gentleman, was not the Regent desired to act in the name and on the behalf of the King? Even under a Regency, was not every act of the government still to proceed in the King's name? All this was perfectly proper; and where, then, was the impropriety of the two Houses ordering the Chancellor to put the Great Seal to a legislative measure in the name of the King? If the Regent was to act in the name of the King, why also might not the Chancellor? Suppose the King an infant, substantially no act could be done by him, yet all the transactions of government would be

* From Hansard's Debates. See note, Vol. I. p. 418. — ED.

conducted in his name; though naturally incapable, his political capacity would still exist; and it was precisely on this ground that the two Houses, in a case of necessity, were authorised to order the Chancellor to affix the Great Seal to an act of legislature."

Mr. Horner then rose and said:—Considering the principles and views of the constitution professed by the learned gentleman who had spoken last, it was no wonder he preferred whatever mode of proceeding was proposed by the minister. Were it not for such authority, the learned gentleman, consistently with his own opinions, might be quite indifferent to the question, whether the Houses of Parliament ought to proceed in this great transaction, by Bill or by Address. For, in the beginning of his speech he had declared, that if this House pretended to give away the whole sovereign authority to a particular person by mere Address, it might as well usurp to itself the whole of the sovereign power in all its branches; and that he could see no difference between the one usurpation and the other. What difference the learned gentleman was able to perceive between them in the instance of a Bill, which he could not discern in an Address, he had not explained. The distinction, however, between assuming the royal power and conferring it was so essential, that the two Houses could not lose sight of it for an instant in providing for the necessities of the present emergency, without confounding all the functions of the constitution, and without danger of subverting the very foundations of the monarchy. It was their duty, on the one hand, to abstain from any the smallest usurpation of executive authority; and, on the other, to provide, with the least possible delay, the means of supplying the defect which had unhappily occurred in the personal exercise of that authority by his Majesty. The learned gentleman had stated one doctrine, which, if correct, might be thought a decisive objection at once to the measure of conferring the powers of Regency by Address: he said, that the office of Regent was one of which the functions were not known nor defined, and the authority of which could not be judicially recognized in Westminster-hall; and he demanded, in what book of the common law the judges were to look for

the description of this officer and his capacities? He had put this question with an air of triumph; yet the most satisfactory negative he could receive in answer would furnish no adequate reason for the inference which he meant to convey. The nature of the office of Regent, and the description of its authority and functions, do not belong to the common law of the ordinary courts of justice, but are to be sought, where they will most distinctly be found, in the law and custom of parliament. It was too much the practice both of the right honourable and the learned gentlemen on the Treasury bench, to make reference to the common law and the learning of the courts below, upon subjects which lie altogether within the compass of the law of parliament; a law, not known at all to the professors of the common law in that capacity; of which the sources were coeval in antiquity with the common law, and necessarily anterior to the statutes; which was to be collected only from the Rolls and Journals of parliament; and the supreme authority of which, within its proper sphere, had been submitted to with reverence by the most ancient as well as by all modern judges, and had been appealed to by the best friends of liberty in the House of Commons in all former times. So far was the learned gentleman from being accurate, when he supposed that the office of Regent was not known to the constitution, that the most ancient instance preserved in our history of what may be called a parliamentary proceeding, to supply a defect in the personal exercise of the royal authority, is the nomination of a Regent; in the case of the Earl of Pembroke, who, upon the accession of King Henry the Third, an infant of nine years of age, was appointed Regent by the Great Council of the Nation assembled at Bristol, and carried on the whole administration of the government, with the full authority of the crown, by the style and title of "Rector Regis et Regni." That the office of Regent was known in all times to the constitution and the law of parliament, was well proved by an entry upon the Rolls, respecting the appointment of Richard Duke of York to be Protector during the illness of Henry the Sixth The Parliament of that day thought fit to give him only a limited authority; and to that effect entered a declaration

upon the Roll, that they would not confer upon him the name of Regent, because it imported authority of government of the land, but only the name of Protector, which imported a personal duty of attendance to the defence of the kingdom. It was not to be doubted, that if the Prince of Wales should take the style and authority of Regent in pursuance of an Address of the two Houses, the courts of law would be bound to recognize his authority as that of the crown. And though it might be fit, after he had assumed the royal style, and had met his parliament, that an act should pass to confirm his title, and to ratify those proceedings of the two Houses; yet it was no more to be supposed, that, prior to such ratification, the judges would dispute an authority which the two Houses had directed his royal highness to assume, than, if the two Houses should prefer the fiction of a Bill, that the judges would presume to canvass the validity of the fiction. The difficulty which the learned gentleman had raised, with respect to the legal authority of a Regent appointed by Address, was never felt with respect to the authority of the Guardians and Lords Justices, who, repeatedly since the Revolution, have been appointed by commission from the King. By the terms of such commissions, they were invested with power to execute the office of Guardians and Justices, and to order all acts of government which by virtue of that office had been usual or might be lawfully performed. The books of common law, however, furnish no special delineation of the legal capacity and functions of such officers; the nature and extent of whose authority must be gathered from the usage and practice of the realm, as recorded in the memorials of parliament and in the archives of the state.—The same learned gentleman had urged as an objection, what if the House of Lords should not agree to your Address? To this argument, it was enough to answer by another objection, what if the House of Lords should not agree to your Bill? Were such a difficulty to arise in either case, we must trust in the prudence and public spirit of both Houses, and in their mutual disposition sincerely to effect what must be a joint transaction, and which may therefore require some concessions.

He would admit to the Chancellor of the Exchequer, that the present question was to be debated upon the ground of parliamentary precedents; understanding always, that no single precedent could over-rule either express law, or settled and fundamental principles. In this point of view, the question was nearly reduced to a choice between the precedent of the Revolution, and that of the year 1788. But as something had been said by the Attorney-General, of the proceedings which took place in the reign of King Henry the Sixth, he would advert shortly to the history of those proceedings; because, in all the circumstances, which could be considered as applicable to the present situation of the two Houses of Parliament, that history would be found full of instruction, in opposition to the arguments of those who would urge the two Houses to usurp the prerogative of the third branch of the legislature. The transactions, which occurred in the reign of Henry VI., consisted of two parts: the provision made for the executive administration during his infancy, and the measures taken by parliament towards the close of his reign, when he fell into a malady similar to that with which his present Majesty is afflicted. The case of the minority of Henry the Sixth differed wholly from the present: by the demise of the preceding king, the parliament then in being expired; and when a new parliament met, to consider of the means of providing for the infant king's minority, it was a full parliament regularly convoked and opened, at which all the three branches of the legislature were present. As soon as the news of Henry the Fifth's death reached England, several peers of the realm held a council at Windsor; and, taking it upon themselves under their responsibility to provide for the imminent necessity of the State, they put the Great Seal to a writ for summoning a parliament, and authorising Humphrey Duke of Gloucester to hold that parliament as Commissioner in the King's name. In the parliament, so held, the crown was fully represented in its legislative capacity by the Duke of Gloucester: and with perfect regularity according to all the forms of law, after an indemnity to those who had acted in this emergency and a confirmation of their acts, the parlia-

ment (consisting of the King represented by his Commissioner, the Lords spiritual and temporal, and the Commons,) appointed the Duke of Bedford Protector of the realm. Such appointment, by a full parliament, is no precedent to justify the proposed appointment by the two Houses alone in the name of a full parliament. The same observation applies to the proceedings which took place, in the nomination of a Protector, when King Henry the Sixth fell into a state of imbecility or lethargy, which disabled him from personally exercising the functions of government. But it is important to attend to the course of those proceedings. Before the king sunk into that unhappy state, he had opened his parliament in person; which, after several prorogations under the authority of regular commissions, was actually assembled at the time when the disorder seized him. It was still a full parliament, though he was himself unable to attend it, because he was legally represented there by his Commissioner, or lieutenant for holding the parliament, the Duke of York, appointed by letters patent from the king himself. And it is material to observe, that the Commissioner for holding parliaments, at that period of our constitution, had, by the terms of his written authority and by the constant practice of the state, the entire legislative powers of the king; he opened the causes of summons, he could prorogue, he could dissolve it, he gave the royal assent or negative to bills and petitions according to his own ministerial, and, no doubt, responsible discretion. At a subsequent period, it became the settled practice of the constitution, that the royal assent was never given in the absence of the king himself, except under a special commission reciting that his majesty had seen and perfectly understood the particular bill assented to: but prior to the accession of the Tudor line, and during the whole reign of Henry VI., the constitution of parliament was different in this respect; the Commissioner, authorised by the king's letters patent to hold the parliament, having power to give the royal assent without taking the king's pleasure. When Henry VI. therefore became deranged, the Duke of York being Commissioner, there was no imperfection in the parliament; it was complete in all its branches, and com-

petent for all legislative measures. We find accordingly, that, notwithstanding the incapacity of the king to attend his parliament, its proceedings went on without interruption; and it was not deemed necessary to supply the defect in the exercise of the royal authority. An event at length occurred, which imposed upon parliament the necessity of interposing, in order to provide the means of supplying that defect. The keeper of the Great Seal died; parliament was not competent to appoint a new one; that must be a personal act of the king himself. It was necessary to vest the royal authority in some person, who, by virtue of that authority, could deliver the Great Seal and create a Lord Chancellor. In this emergency, the parliament, consisting of all its three branches, (the Duke of York as Commissioner or lieutenant of the King, the Lords spiritual and temporal, and the Commons, in full parliament assembled,) by Bill, which passed the two Houses, and to which the Commissioner, as in the ordinary course, gave the royal assent, nominated the Duke of York during the incapacity of the king, to be Protector of the kingdom, and first of the council. It is clear, that this furnishes nothing like a precedent for proceeding, in the two Houses, without the presence of the third branch, actual or represented, to manufacture a royal assent; while, on the other hand, it shows how scrupulous the two Houses were, at that period, of assuming, or pretending to exercise in their own capacity, any of the executive prerogatives of the crown.

With respect to the great precedent of the Revolution in 1688, the Chancellor of the Exchequer had contented himself with disposing of it in the most summary manner. Premising in general terms, that if there is a direct precedent we ought not to resort to one which holds only by analogy (which, as a general maxim, was not to be denied); the Chancellor of the Exchequer was then pleased to affirm that the case of 1788 was direct, and that of the Revolution a precedent only by analogy; but without showing, why it was to be regarded as no more than analogical. So far as the mode and order of proceeding were concerned, the measures taken by the Convention Parliament formed strictly a direct precedent. True, the political capacity of the king was then

suspended, which at present suffers no discontinuance; the Convention of that day had a greater defect to supply, than is now to be provided for. But the principle, which authorises an extraordinary interposition of the states of the realm, is in both cases precisely the same; the necessity is of the same kind; the proceeding must bear the same character; the difference in the extent of the defect that is to be supplied does not require a different mode and form of supplying it. Or if a stricter adherence to the established forms of legislation were required in one case than in the other, and if procrastination were more justifiable; delay was more to be justified, and solemn formality more to be desired, where the work to be accomplished was of greater magnitude, where, instead of naming a provisional Regent, they had to raise a new line of succession to the crown. And if, upon the abstract principles of the constitution, any difference could be stated, between the situation of the Convention and that of the two Houses at present, it would be this; that when the political capacity of the crown was in the former instance discontinued, the whole power of the crown, legislative as well as executive, might theoretically be considered as devolving upon the states of the realm, so that without usurpation they might have used, and have affixed to their proceeding, the forms of assent by the third branch of the legislature; whereas, while the throne is full, it is mere usurpation to seize the king's legislative power, as it is an absurdity in terms that the means of supplying the royal incapacity must have the sanction of the form of royal assent. The great statesmen and lawyers, who accomplished the Revolution, were incapable of such fictions and unsound refinements as compose the proceedings of 1788; they went straight to their object, guided by those analogies of the constitution which preserve the spirit of its rules in the exceptions that seem most wide. Those to whom the contrivances of 1788 ought to be ascribed, had secretly no predilection for the event of the Revolution or for the characters that were engaged in it. Indeed on this day it had been spoken of more than once with a slight, which no former House of Commons would have borne. The Chancellor of

the Exchequer called it a taking precedent; a sneer, however unbecoming, which he trusted they, at whom it was directed, would long continue to merit, by their adherence to those memorable principles, and by their determination to act upon the same in all similar emergencies. Another right honourable gentleman (Mr. Canning) had spoken of the leaders of the Revolution, in terms of praise indeed, but with such qualifications as if forsooth they stood in need of pardon, for the length to which they had gone, impelled by a just necessity. Yet, not the talents which shone among those illustrious men, nor even the flame of liberty by which they were inspired, were more admirable, than the moderation with which they proceeded through their great work. And when the Committee is called upon to compare their proceedings with those of 1788, and to choose between them, it is impossible not to contrast the virtuous forbearance of all parties at the Revolution in concurring to provide for the public interests, with the struggle that was made for power in the other instance; and above all, to contrast the studied delays by which power was then so factiously retained, with the despatch with which our ancestors finished in one short month their task of establishing at once the succession to the crown, reducing its prerogatives within limitations by law, and founding the whole structure of our civil and religious liberties. The right honourable gentleman (Mr. Canning) had said, that some of the arguments, used in the debates at the Revolution, furnished a sort of authority in favour of our proceeding in the present instance by a Bill rather than by Address; because the Tories, who dissented from the famous vote of abdication, insisted, that the case ought to be provided for as if the king had become a lunatic, and urged the propriety of appointing a regent for the life of King James, according to the ancient laws and practice of the realm. The topic, however, as used then, had no bearing upon the present question. It was not used with reference to the form of proceeding; no question of that sort was raised, and no one objected then to the Address. It was urged by the Tories in illustration of their doctrine, in which they fundamentally differed from the others, that the misconduct of the king

was to be held as making a forfeiture only for his own life, without breaking the succession. The just conclusion to be drawn, was therefore the reverse of that of the right honourable gentleman; that when the Tories of that day supposed a case of lunacy in the sovereign, they considered it fit indeed, that the vacancy should be filled by a regent according to the ancient practice of the realm, but it never occurred to them that an Address was not the most proper mode of appointing him. And from this the Solicitor-General might learn, that the Tories at the Revolution, some of whom were most eminent lawyers, had no difficulty in recognising a regency as an office known to the laws and the constitution.

Opposed to the high authority of the Convention Parliament, stood the single precedent of 1788 and 1789. He was at that period too young a man, to have received any of the impressions, which the agitation and resentments of that time may have left upon those who took a part in the scene. He had, without any bias upon his mind, endeavoured to judge candidly of the whole proceeding, and of its historical circumstances, no unimportant part of every parliamentary precedent. And he had no hesitation to say, that the Resolution, which asserts the right of the two Houses to provide for the exigency, commanded his full assent, both as the true result of more ancient precedents, and as a principle of constitutional law: provided it be understood in the sense, in which it was clear that the Houses of 1788 understood it, as declaratory of their right and duty to vest the royal authority in proper hands, but carrying no implication that the two Houses can ever themselves legally assume the exercise of any of the functions of royal authority. With regard, however, to the other part of the precedent of 1788, the Resolution to which the committee was now called to assent, and by which the two Houses proposed to raise the fiction of a royal assent by usurping the king's Great Seal, that appeared to him so repugnant to the fundamental maxims of the constitution, if not a direct violation of express law, that no weight of precedent could ever sanction it, far less a single case so discredited by its own circumstances as that of

1788. The Chancellor of the Exchequer had attempted to show, that the proceedings of 1788 were more than a precedent of the two Houses assembled as at present; as if, by what passed subsequently, they had been converted into a precedent of the full parliament. His first argument for this purpose was, that various bills were brought in, and proceeded through their several stages in both Houses, while the parliament sat under the commission (as it may be described) from the two Houses, which bills, after the King had met his parliament by a regular commission, received the royal assent, without again going through the previous stages. But the argument was incomplete, unless the right honourable gentleman denied, that the two Houses, as assembled in their present circumstances, were incompetent to receive bills and to forward through all the proper steps, to await the royal assent. The right honourable gentleman, he was persuaded, would be deterred, by the practical consequences of such a proposition, from maintaining it; nor could it be maintained. The parliament was in legal existence, by force of the original writ of summons; the two Houses of Parliament, though not now in parliament assembled on account of the absence of the King, were regularly assembled here by authority of the King's last writ of prorogation, which called them to Westminster on the 1st November last. Their adjournment on that day was as much an act of the parliamentary capacity of each House, as any vote upon a bill could be. Here assembled, under the writ of prorogation, they had all their privileges and capacities in full force; though the proceedings which they might hold by bill could not be completed, without the King's assent. If the two Houses, as now met without any commission, could pass a bill through the stages of each House, there was an end of the argument of the right honourable gentleman that the subsequent assent in 1789 to certain bills, sanctioned the commission given by the two Houses; and that they could entertain bills without any commission at all, was implied in the whole of the proceeding which he himself recommended. The other argument of the right honourable gentleman to this point was still more inconclusive; he went so far as to say, that the Resolution

having been agreed to by both Houses, and the King, after his recovery having, in the speech of his commissioners, thanked the Houses for the additional proof they had given of attachment to his person, it was to be inferred that the resolution had thus received the assent of all the three branches of parliament. If this had any meaning, the argument was this, that the expression in the King's speech echoed by the addresses, should be considered as having ratified, by the voice of the three branches assembled in parliament, the irregular proceedings of the two Houses in their preceding irregular assembly. It was the first time that the King's speech and its address were stated to have the character and efficacy of an act of parliament; if a ratification or an indemnity had been required, that was surely no act of ratification and indemnity; but assuming, as the right honourable gentleman assumed by his argument, that the proceedings stood in need of such confirmation, the true inference was, that, as there had been no indemnity granted and no ratification passed, those proceedings were left and still remained in all their original irregularity. Though the precedent of 1788, however, could not be argued as high as the Chancellor of the Exchequer wished to raise it; though it was not a precedent in full parliament, it was certainly, in point of form, a precedent for the two Houses assembled in the peculiar circumstances of their present situation. As such, it stands in opposition to that of the Revolution; and it was for the Committee to weigh and compare them together; to compare a precedent, to the form of which no objection was urged at the time by those who most disliked its substance, which had been stamped with the sanction of an approving posterity, to which no objection in point of principle could even now be stated, with another precedent which at the time and ever since had been condemned by high parliamentary authorities, and which was liable to the strongest objections both from express laws and from constitutional principles.

The statute of the 13th of Charles II. made it a præmunire to maintain, that both Houses of Parliament, or either, had a legislative power without the king: yet

the object of this Resolution was, to assume a legislative power by the two Houses without the king. That statute was levelled at the doctrines as well as the conduct of the Long Parliament; nor since the time of that parliament, had such doctrine and such language been heard within these walls, as the ministers had this day used to serve the purpose of the day. The Long Parliament, indeed, did not scruple to make a Great Seal for themselves; to justify the measure, they resorted to many of the topics which had been urged this day; their antiquarian pamphleteer Prynne used and perverted his toilsome industry and obscure erudition, in an argument for the parliament; and some of the expressions which fell from the Chancellor of the Exchequer seemed to have been taken from the title of Prynne's pamphlet, which is, That the Great Seal attends the Parliament. In speaking of the Long Parliament, he wished not to be misunderstood, or to be supposed deficient in veneration for those able patriots, who, in the commencement of the struggle, disappointed as it was in the end, and stained by lawless ambition and atrocious violence, had stood forth to vindicate our just liberties, and to bring delinquents to condign punishment. The flight of King Charles to York, and his stealth of the Great Seal, justified their subsequent step; it was justified by the necessities of the state, which must over-rule other considerations; but let not those, who neither have the necessities of the Long Parliament to plead, nor are actuated by their constitutional principles, imitate their usurpation where there is no similar necessity, and borrow their language and arguments to give practical effect to principles of a very different description. Besides the evidence, which the statute of Charles II. afforded, of the great doctrine of the law, that there is no legislative power in the Houses of Parliament without the king, there were express acts of parliament which prescribed the mode, and prohibited every other, of giving the royal assent to bills passed by the two Houses. The 33d of Henry VIII., chapter 21., declares, that the king's assent by his letters patent, notified in his absence to both Houses assembled together in the upper chamber of parliament, is of the same force as if personally and publicly

declared by himself; but the letters must not only be under his Great Seal, but they must be signed with his own hand. The act of the first year of Philip and Mary respecting the attainder of the Duke of Norfolk, which is a public statute, contains a still more explicit declaration of the law, that letters patent for giving the royal assent to bills have no validity or efficacy, unless signed with the king's own hand, as well as passed under the Great Seal. The commission, under which the royal assent was pretended to be given, on the last day of Henry the Eighth's life, to the bill for attainting the Duke of Norfolk, had the Great Seal in due form; it had also the king's name affixed by a stamp: but at the time these forms were gone through, King Henry was insensible and incapable of attending to public business. In the first year of Philip and Mary, after an inquiry into the transaction respecting this commission, and upon a confession of these circumstances before the House of Commons by Lord Paget, who had been King Henry's Secretary of State at the time, parliament removed the attainder; not in the ordinary form, by a bill to reverse the act of attainder, but, which is most material in the present argument, by a bill declaring that act to have been void from the beginning, expressly for want of the royal assent in due form. Before this proceeding took place in parliament, a question had been raised in Westminster Hall, whether that act of attainder could be regarded even there as a perfect statute, on account of the manner in which the assent had been given. The Solicitor-General, who had called so loudly for references to the law books, would find in Sir James Dyer's Reports that the question was much debated among the justices, in a suit between the duke and certain purchasers of some of his forfeited estates; and although the judicial determination of the point was superseded by the parliamentary reversal, it might be well for the learned gentleman to consider, whether to his mind the existence of such a judicial doubt ought not to hold good as an argument against proceeding to make a regent by a bill in the manner proposed, lest the justices hereafter might take it into debate whether a bill assented to by the phantom were a perfect statute.

But how strong soever the reasons against such a proceeding might be thought, founded upon the express statute law of the land, it was still more strongly condemned by the essential first principles of the constitution of the monarchy. It was a proposal to break down and confound all the boundaries of legislative authority, as distributed among the three independent branches of parliament; to usurp the legislative power of the crown; and, by a gross and illegal fiction, to steal the semblance of an assent where there could be no negative, with the absurdity of affecting to sanction by the royal assent itself, the remedy made necessary by the incapacity of the King to assent to any thing. Such was the measure, which the Committee were called upon to prefer to the direct and clear precedent of the Revolution. They had to choose between a contrivance, the purpose of which, though denied, was palpable; a fiction, which could only be executed by a parliamentary falsehood and fraud, which must be attended with indefinite delay, which would involve their proceedings in a maze of complex and inconsistent forms; the invention, it was well known, of a refining lawyer, more addicted to scholastic subtilties and the caprices of ingenuity, than remarkable for enlargement of mind: they had to choose between this, and the explicit, plain, prompt course adopted at the Revolution, by the best of our ancestors at the best æra of our history, a precedent formed by statesmen of much experience and large views, and by lawyers, who, with all the learning of their profession, were found no unequal associates to such statesmen.

II. CORN LAWS.

13th and 16th May, 1814.

(Vol. II. p. 169.)

THE House having resumed the consideration of a report respecting the Corn Laws, the Chancellor of the Exchequer (Mr. Vansittart) said,—"He was of opinion that some of the resolutions that had been proposed would require further deliberation, and he should wish the subject, so far as related to them, to be postponed: but so convinced was he of the propriety of the resolution for allowing an unrestrained export, that he should be unwilling to postpone it for a single day." After some other members had spoken,

Mr. HORNER rose, and said: — He thought that when the House came to consider the other resolutions, it would see the propriety of pausing, at least for some time, before it went to a decision on so very important a measure; he wished that, once for all, the House would now decide on the interest by which those were actuated who opposed the resolutions. The real interests of the consumer and of the landlord were one and the same. But what did the committee profess to do? Why to raise the price to the consumer — (a member called out No! no!). He would ask whether the honourable member for the Queen's County (Sir H. Parnell) had not acknowledged this on a former occasion; and if the honourable member who favoured him with the interruption took pains to inquire, he would find it was so. The necessary effect of the measure was permanently to increase the price of corn. He approved, however, of some parts of the view which his right honourable friend the Chancellor of the Exchequer had taken of the question.

[The first resolution was agreed to, and a bill to permit the exportation of corn from any part of the United Kingdom, without payment of duty or receiving of bounty, was ordered to be brought in. This was done by the Chancellor of the Exchequer on the 16th of May, when it was read a first time.

The same day Mr. Huskisson moved the farther consideration of the resolutions of the Corn Committee. On the 5th of May he had proposed the adoption of a graduating scale, between 24*s.* per quarter, when wheat should be at or under 63*s.* per quarter, and 1*s.* when the price should rise to 86*s.* and upwards. The second resolution now proposed contained the terms of that graduating scale; the third resolution proposed that foreign corn should at all times be imported and warehoused free of all duty, until taken out for home consumption, and should at all times be re-exported free of all duty.]

Mr. HORNER on this occasion said: — He was anxious to show his reasons for the vote he should give that night, begging this only to be kept in view, that if the principle of preventing the importation of grain was to be adopted, the most effectual mode in which it could be adopted was the best. The right honourable gentleman on the other side had failed in convincing him, that there was any occasion for departing from that system, in regard to the corn laws, which had hitherto prevailed. He was far from thinking that freedom in any trade was bad in itself, or that such a system was impracticable in regard to corn; but he thought it best that the system now in practice as to the corn trade should be kept in view, unless reasons were made out for the departure from it. He was aware that commerce should always give way to higher reasons of state; but it appeared to him that there was here no such reason; and, in addition, it also appeared to him that the present was the very worst season for proposing any change in this system. He could not help particularly remarking the great difference of opinion that prevailed on this second resolution, as to which no two members who approved of it concurred in the reasons on which that concurrence was founded. He was unwilling, therefore, to go into a detail of his reasons why he wished this resolution to be postponed. He did so, taking into consideration the state of the manufactures of this country, and the persons in foreign markets whom we were to meet with. He thought that this resolution ought to be postponed, not because there was not time enough to consider it; but because of the change of circumstances which

might be expected to take place with regard to our foreign relations; and because there was not now time for us to see in what posture the trade of this country as to our foreign relations was likely to stand. If the House were to postpone this part of the subject, he should have the satisfaction of thinking, from reflecting on the Bill which had been brought in this day, and to which there was likely to be little or no opposition in any quarter, that the House had done enough in the present session on this important subject, in the recognition of the principle of a free trade in so essential a point. If that Bill was to be maintained and carried through, as he trusted it would, it would eventually, he hoped, improve one principal part of the trade of this country, particularly of that part of the kingdom in which he was satisfied every member of that House felt a deep interest — Ireland. That there was no danger that supplies of corn could at any time be withheld from us when we required them: he argued from this consideration, that at the very period when our enemy had vowed our destruction — when our crops had failed, and when the continental system was in full vigour, we were, in spite of that system, in full supply of corn. If so, what reason had we to be afraid of our agricultural interests on account of the cheapness at home? It was impossible that importation could ever be carried to such a pitch, as to drive out our home-grown corn. The expense of the carriage of so bulky an article alone must always render that next to impossible, added to which, there was the expense of double shipping from the one country to the other. As to the agriculturist, he would gain just nothing at all from the proposition of the right honourable gentleman; and as to poor-rates, there would, at no great distance of time, be occasion for a revision of them, for at present they could be regarded in no other light than as an inefficacious and circuitous way of paying the wages of labour. The extension of home demand and home market was the true stimulus of all agricultural improvement. He should conclude with stating, that this was not a merely agricultural country, but that we depended principally on our commerce and manufactures for that distinguished rank and pre-eminence which we held in the scale of nations;

and he therefore thought it impolitic to adopt any measure, the tendency of which might be ultimately to throw discouragements on the commercial prosperity and resources of the country, from an exclusive and unwise preference of our agricultural interests.

[The amendment, that the consideration of the resolutions be postponed to that day three months, was lost by a division of 144 against 27. The resolutions were ordered to be re-committed next day, when the second, containing the graduating scale, was agreed to.]

III. SLAVE TRADE.

28th June, 1814.

(Vol. II. p. 169.)

MR. HORNER moved, "That the several entries in the votes of this House on the 3d day of May last, and the 3d day of this instant June, and of the Address agreed to by this House, to be presented to his Royal Highness the Prince Regent, relative to the abolition of the slave trade, and of his Royal Highness's Answer thereto, that it would be the earnest endeavour of his Royal Highness to accomplish the object of it, might be read:" and the same having been read,

Mr. HORNER said, — That the motion which he had to submit to the House, though it related to the same subject as the motion which had been last night discussed, differed essentially from it, for instead of calling on the House to come to any conclusion, it merely contained a call for the information necessary to a correct judgment on the question which would be submitted to the House to-morrow. In the Address of the last night, he, for one, had concurred most cordially, nor was he disposed to under-rate the good effect which that Address would produce; for he did not doubt that, if there was further opportunity of exertion on the subject of the abolition of the slave trade, those who directed his Majesty's councils would go to the discussion with additional power, from the reiterated expression of the wish of parliament.

But there was another business to be done; they had to express their opinions, not prospectively, but on the treaty which had put an end to the misery of that protracted war, with which Europe had been so long desolated. This treaty was to be discussed in all its bearings; but if there was one point more interesting than another, it was the stipulation with relation to African slavery, and to inquire how far ministers had acted up to the wishes of the parliament and the country. As to what had been done by the noble lord opposite to him, he

was wholly uninformed, and the object of his motion was to require this information in which he was deficient — to know how far the noble lord, acting under the direction of the House, and the sense of his own duty, had wisely taken those measures which were calculated to give effect to the benevolent disposition of the whole nation on this subject.

He wished distinctly to be understood as to a point which had been mentioned in the discussion of last night; it had then been said by the noble lord, that it was the argument of those who disapproved of the stipulation, that the abolition of the slave trade should be a *sine quâ non* of a treaty of peace. He did not know that such an alternative had been suggested as proper, nor should he have supported such an alternative. If he were informed the peace would have been impracticable, without such a stipulation as had been adopted, it would, without doubt, be wise to postpone what was the object of all our wishes: but it was necessary that he should have much more information on the subject before him than he already had, before he could believe that such an alternative was at any time necessary. That such an argument might have been adduced by the negotiators, any one who had ever had curiosity enough to look into diplomatical transactions, could well believe; but propositions were often laid down in the commencement of a negotiation, which were departed from at the conclusion without difficulty. There was another point in the discussion of last night, which he thought it necessary to allude to. It had been said by the noble lord opposite, that the question of the abolition could not have been mixed in the negotiation with the stipulation for the cession of the colonies in our possession. The reason of this he could not comprehend. The criterion of the policy of a proposition was the effect of that measure on the power with whom we had to negotiate. Now, so far as it appeared from the statement of the noble lord, he had voluntarily thrown away the only benefit which we could throw into the scale against the abolition of the slave trade on the part of France. Though the House could not decide in the actual state of their knowledge, that the noble lord had acted unadvisedly,

yet they could say that they did not possess information enough to enable them to judge fairly.

Why, in this state of ignorance, should the House depart from the old practice of demanding information? The only reason adduced to the contrary was, that the pretensions advanced during the negotiations would, by being published, bind the different powers to support them. But at least the House should be permitted to know what the conduct of the noble lord himself had been. They knew the grounds on which the noble lord must have urged the immediate abolition, and the futile reasons by which they must have been opposed. These arguments might be wrapped in the mystery of diplomacy; but it was quite improbable that any thing could have been adduced which had not for the last twenty years been known to every man of education in this kingdom; there could be nothing of novelty in the reasoning. Why, therefore, should not these discussions be published? for if there was any sincerity in the wish of the French government to undeceive the public in France on this question, they could desire nothing more than that the reasoning against the abolition should be published for the purpose of being refuted. It would be curious to see what reasoning had been made use of by the Prince of Benevento on this subject — what new views he entertained on the subject of the rights of man — so contrary as they must have been to those which he had formerly entertained! It was certainly much to be desired that an opportunity should be given, to apply the sense of this country to dispel the senseless prejudices which existed in France on this subject. Yet if there was nothing in this argument, the House could recur to its constant usage; this usage was, that when they were dissatisfied with a treaty, they should require information on the subject. It was incumbent, however, to show by the production of the documents, that there were such insurmountable obstacles to the immediate abolition, that the House might with justice to itself and the country, say "Aye!" to the demand which the noble lord was to make of an acquittal on this article.

The House, on the 3d of May, had unanimously desired, that care should be taken in the Treaty of Peace to bring

about an universal abolition. The general wish — was it necessary to say the general expectation?—was, that a total abolition might take place. How different the result! The traffic of one of the greatest nations in Europe had been renewed (for during twenty years it had been interrupted) — renewed to an extent of which the House perhaps had no conception. From the best authorities it appeared, that previously to the Revolution, the black population of the French colonies amounted to 800,000 persons, to maintain which 40,000 negroes were annually imported. Could any man without horror and shame contemplate the misery thus immediately produced by a treaty, into the grounds of which, if they did not inquire, they virtually became parties? But this was not all. In many colonies, the population had been wasted since the Revolution, though, extraordinary as it might appear, in St. Domingo, during the dismal period of revolt and rebellion there, the population had increased—so superior was the worst species of liberty to slavery! Extraordinary importations would, therefore, be made to those colonies where the population had diminished. Even here the evil produced by the treaty did not end. By the vigorous manner in which the abolition laws of this country had been carried into effect, the slave trade had been rooted out in a great part of the coast of Africa—there being only one small island north of the line, Bissaos, possessed by the Portuguese. But now Senegal, Goree, and their dependencies, having been restored to the French, all that coast would be thrown back into its former state of misery and desolation. Not only would this unhappy country be subjected to the evils of this terrible traffic on the part of the French, but on the part of the Portuguese; for, under a treaty which had been concluded with the Prince Regent of Portugal, under pretence of abolishing the slave trade by degrees, that nation was permitted to trade in slaves with any settlement where this traffic was continued by the power which possessed it.

Thus much evil had been done by the treaty, and should they say, in the zeal of their parliamentary confidence, that the noble lord had acted zealously and wisely? It was quite improper to place such an extravagant confidence in the noble

lord without a knowledge of the reasons or facts on which he had acted. It was not, however, to the transactions at Paris that the object of his motion was limited. There had been repeated addresses from that House to the throne, which had always been most graciously answered, on the same subject as that of the address of the 3d of May, namely, to pray the crown to endeavour, in any arrangements entered into with foreign powers, to adopt measures for the universal abolition of the slave trade. It was, therefore, important to learn whether, before our armies had entered into France, arrangements had been made with the allied powers on this subject, and whether, in the discussions at Frankfort and other places, no time had been lost in coming to a distinct understanding on the subject, and making known that the colonies which we held we were ready to restore for the sake of peace, but not unless that peace were coupled with an abolition of the slave trade. He held it perfectly proper, that the abolition should not be made a *sine quâ non* of peace; but that it was also most desirable that the restoration of the colonies by us, and the abolition of the slave trade on the part of our late enemies, should always have been put forward together. It was too great a stretch of confidence, he repeated, for the House to suppose, that in all these particulars the members of his Majesty's government had acted wisely, without having the least information on the subject.

As to the assertion of the noble lord, that the French were generally ignorant upon this subject, he admitted the possibility of such ignorance, so far as regarded a certain portion of the people. That the upper circles had become so depraved in moral sentiment, so ignorant, or so indifferent with respect to whatever concerned the interests of liberty and humanity, he thought not improbable; but he felt it difficult to believe that the great body of a civilised and enlightened nation like France could be uninformed or insensible upon a question of such importance as the abolition of the slave trade. There must, indeed, be something preternatural about France, if such insensibility existed in such a nation. Then, assuming the contrary, what peculiar sense of interest could prompt the French people to be so peculiarly

tenacious of the continuation of the slave trade? For several years they had, in fact, known nothing about it, or about the colonies in which it had been carried on, that could induce any popular solicitude to maintain or revive it. Two of the colonies restored to France, namely, Guadaloupe and Martinique, notoriously required no importation of slaves, and of St. Domingo, the present generation of the French knew nothing but that which was calculated to excite their horror, from a recollection of the fate of that gallant army which was sent there to perish, because it was attached to a rival general.

But, notwithstanding these circumstances, the noble lord had acceded to the article under consideration, stating, however, that the French government assured him of its disposition and purpose to mitigate the evils, and limit the extent, of the slave trade. If, however, this assurance were sincere, and should be fulfilled, what must become of the plea of reverence for public prejudice and national sentiment, for that prejudice and sentiment were but too likely to derive strength from the embarkation of capital, and the acquisition of profit? That was, should any profit arise. For really the prospect of profit to France seemed very questionable, particularly from the difficulties that must attend the re-acquisition of St. Domingo. Considering, then, that no such prospect could be much relied upon, and that France was not therefore likely to insist upon the maintenance of this odious traffic; considering also the situation of France, the concurrence of the Allies in one sentiment upon this subject, he could not help thinking that our government was entitled, as it was bound, to press for the entire abolition of the slave trade, which was a proposition it would be idle to suppose that the French government, in its defeated and humble state, could have successfully resisted. He could not, indeed, persuade himself to believe, that if the zeal and talents of the noble lord had been effectually employed with that view, the complete acquiescence of the French government in the abolition of the slave trade could not have been obtained. At least such a case as he had stated required explanation, as to the conduct of ministers in pursuance of the addresses of parliament, and the wishes of the country upon this important question. He

should therefore conclude with moving, "That an humble Address be presented to his Royal Highness the Prince Regent, That he will be graciously pleased to give directions, that there be laid before this House copies of all representations made on the part of his Majesty's government during the late negotiations for peace, and of all communications which passed between his Majesty's minister and the allied powers, relative to the abolition of the African slave trade."

IV. TRANSFER OF GENOA TO THE KING OF SARDINIA.

21st February, 1815.

(Vol. II. p. 234.)

MR. LAMBTON moved for the production of a variety of papers relative to the transfer of the Genoese people; and after several members had spoken, (the Chancellor of the Exchequer, Sir James Mackintosh*, Mr. Wellesley Pole, Mr. Whitbread, and Mr. Bathurst,)

Mr. HORNER rose, and said: — If the House rightly felt the question then before them, they would be aware that it depended in no manner whatever upon any information with respect to the proceedings of Congress. He certainly did not understand the doctrine of the right honourable gentleman (Mr. Bathurst), that the House of Commons had no right to interfere in any acts resulting from negotiations still in progress. Would it be said, that it was not the duty of that House, when a measure had been adopted which involved the honour and good faith of the country, to raise its voice, and, if possible, stop the course of those proceedings which tended to degrade the British name? He would boldly affirm, that what had been done was contrary to the honour and dignity of the nation; and he cared not by what negotiations, or by what motives of policy, that act was preceded. The apparent breach of faith, the apparent violation of national honour, the apparent cruelty and perfidy of the deed, might be explained; but he was sure it never could be explained, without the abandonment of all that constituted the moral greatness and political dignity of a nation. It

* Sir James Mackintosh, in his journal, mentions this speech in the following terms:—

"Horner rose about a quarter before eleven, and spoke till half past twelve—admirably well. His earnest gravity of manner, his sincerity in the avowal of his own opinions, though unpopular, and the temperance with which he delivered them, and avoided or evaded their dangerous consequences, were equally perfect. The success was astonishing. It re-animated our spirits, and at the same time commanded the most profound attention of our opponents, often extorting involuntary proofs of their approbation. I am happy to say that I was able most heartily to concur in the general homage, and to feel Horner's speech as a consolation for my own failure.

"21st (22d?). Horner called, and walked with me to Lord Grenville's; he had all the overflowing kindness of victory."—*Life of Sir James Mackintosh*, vol. ii. p. 339. — ED.

seemed to be acknowledged, on the other side, that the transaction bore, on the face of it, the appearance of a breach of faith; but it was hinted, that the general policy, or the tranquillity of Europe, might have required it. He would argue it in a way exactly the reverse; and would assert, that the remote considerations of policy could not be admitted into the question at all, without an utter abandonment of every moral principle. No view of expediency, political, financial, or military, could ever alter his opinion of the transaction which had taken place at Genoa. It was, indeed, reviving the old revolutionary language. If countries were to be partitioned according to the will of the sovereigns assembled at the Congress — if they were to indulge in the same unscrupulous practices which disgraced the worst periods of the French Revolution, wherein did they differ from those men, who, with philanthropy in their mouths, were the scourges of society? Was this to be the kind of general peace that was promised to Europe? Was the attachment of people to their sovereign, to their ancient laws and constitutions, to be totally disregarded? That such principles were acted upon, was manifest from the case of Saxony and Genoa; but never till the latter event, was England a party to such enormities. The partition of Poland, though unfortunately not opposed, was at least not sanctioned by this country; but now we could only feel remorse and self-reproach, for our share in the perpetration of as great an act of injustice, as any that the annals of revolutionary France could display. Knowing as we did, what it was to possess an ancient government of free and equal laws, conscious of all the hereditary feelings of attachment, which such a government was calculated to inspire, was the House now to sanction a crime of this magnitude, with a full impression on their minds, of all the sufferings which it must have inflicted on the people of Genoa? He had to request the attention of the House, to the effect produced by these proclamations on the minds of the Genoese people, and the military occurrences that succeeded. How different were the hopes of Genoa last year from her present condition! When Lord William Bentinck landed in Italy, and proclaimed the independence of that country, the animating

cry spread from village to village, till it pierced the walls of Genoa, and decided the fate of the French army within them. It was the moral influence of that sentiment which produced the effect, not the point of the bayonet. Genoa was surrendered by the French, because the people, trusting to the proclamation of a British officer, would not defend the place; and what were the advantages which our perfidy obtained for us? By giving us possession of the territory round Genoa, it gave us, in effect, possession of the whole of the north of Italy. By our promises we gained that advantage; and having gained it, we violated those promises. To the latest day of her servitude, Genoa could never forget that she owed her bondage to the perfidy of Great Britain. This might throw them into the hands of France, who, as the strongest part of Italy had been transferred to the weakest power in Europe, might obtain the surrender of Genoa, whenever they pleased, from the King of Sardinia, who would sign its transfer in order to preserve his crown. It was to France alone the Genoese could hereafter look; and it was to France that we had probably consigned the future government of this unfortunate people. Such a consideration was, however, in his mind, of far inferior moment to the paramount question respecting which the House was called on to decide. Had the faith of this country been violated — aye or no? All the facts on which such a decision ought to be founded were before them; they were contained in two documents, the genuineness and authenticity of which it had not been attempted to deny. If the facts were admitted, no considerations of policy could alter or justify them. That man must have a peculiar constitution of mind, who could suffer any notions of political, commercial, military, or financial expediency, to enter at all into his estimate of the character and justification of a direct breach of a moral obligation. Something had been said of the effect that might be produced elsewhere, by such discussions as the present. He cared not what effect might be produced: on such an occasion he considered it to be the bounden duty of every member to state his impressions, and leave those impressions to produce the effect that belonged to them in this country and in Europe.

V. THE CORN LAWS.

23d February, 1815.

(Vol. II. p. 235.)

THE House having resolved itself into a Committee to resume the debate of the preceding evening, on the state of the Corn Laws, and after Sir John Newport, Mr. Frankland Lewis, Mr. Calcraft, and several other members had spoken,

Mr. HORNER addressed the House, and said: — He should not pay much attention to the calculations on either side. From the manner in which the question was opened, he had no hesitation in saying, that the right honourable gentleman (Mr. Robinson) had manifested a more statesman-like mind than any of those by whom his propositions were supported; for that right honourable gentleman had fully recognised the great principles which, according to the highest authorities, ought to regulate our commercial policy, admitting that a case of necessity should be made out for any deviation from those principles, and that the House had only to balance between difficulties — between the nature of the necessity and the deference that was due to the great radical principle of a free trade. That this principle was entitled to respect, was not, he maintained, the opinion of what were denominated mere modern speculatists, but of the soundest thinkers upon commercial policy, aided by the experience of practical men, who most naturally deemed the success of agriculture as the main basis of commercial prosperity. Those, then, who concurred with such thinkers, could not be regarded as theorists only, nor were they fairly liable to the attempts made to depreciate their judgment. He was indeed surprised at these attempts, as if the denomination of "political economists" could detract from the authority of any gentleman who opposed the measure before the committee. But who were they who resorted to nicknames upon this occasion? Why, the very men who admitted that

the knowledge of political economy required deep reading, and, that what appeared paradoxes to superficial observers were, upon further investigation, proved to be just and rational views. Those, indeed, who used the nickname alluded to, endeavoured themselves, by the legerdemain of figures, and a complication of details, to confer a rational character upon a proposition which had all the complexion of a paradox, which, in fact, appeared utterly irreconcilable with reason. But in reviewing these extravagances, he was glad to find that the report of the committee of that House was not disfigured by such observations as appeared in the report of the other House of Parliament; for, in the latter, he was really astonished to find these statements: — first, that the price of provisions had truly nothing to do with the price of labour; and, secondly, that the amount of rents had no material influence upon the charges of agriculture. But there was another theory, still more extraordinary, from the advocates of the proposition before the committee, and which, he believed, had never been broached since the days of Cromwell; namely, that the land did not really belong to the proprietors, but to the community. — Nay, in addition to these strange doctrines, an honourable friend of his (Mr. Preston), who was among those by whom theorists had been decried, had that day sent him the tract of the Marquis de Mirabeau upon political economy, which he had alluded to in his speech, calculating, no doubt, that it would serve to produce an impression upon his mind: but his honourable friend was under a serious mistake as to the nature of that celebrated writer's opinion; for the Marquis de Mirabeau belonged to that class of economists, who maintained quite an opposite doctrine to that of the honourable gentleman; and also that all the taxes necessary to the support of the state should be drawn directly from the land.

But as to political economy generally, upon what ground could gentlemen pretend to depreciate its character, unless they meant to deprecate the exercise of reasoning upon the subject under the consideration of the committee! However, in consistency with their system of depreciation as to political economy, they had thought proper to treat with levity the treatise of Dr. Adam Smith, which was, in fact, but a collec-

tion or digest of maxims, which, instead of being any innovation, had long been held sacred among the best writers this country had ever known. But it was also well known, that the opinions contained in the work of Dr. Adam Smith were, after full examination, recommended by the sanction of our most distinguished statesmen, — by Mr. Pitt, for instance, and also by Mr. Burke, who traced the history of Dr. Smith's opinions, demonstrating that those opinions, instead of being, as some alleged, mere plagiarisms from those of the French economists, were the original growth of our own country, from which they had been borrowed by the economists of France. The justice, however, of Dr. Smith's great principles was recognised by the statesman-like view of the right honourable opener of this question, who had not given the weight of his authority to the untenable proposition, that because the manufacturers enjoyed some protecting duties, the agriculturists were entitled to the measure he proposed, which was a kind of *argumentum ad hominem*. Still less did the right honourable gentleman manifest any disposition to support the assertion, that the agriculturists suffered by the protecting duties granted to the manufacturers; and in what instance, he would ask, could the British agriculturists be conceived so to suffer? From what country could they obtain any article of manufacture necessary for their consumption, at a cheaper rate than they could purchase it at home, supposing trade perfectly free, and that protecting duties, as to manufactures, were totally done away? Could coarse woollen cloths, for instance, be purchased cheaper any where than in England? or could any other article be had on better terms elsewhere? The only article, indeed, which could be supposed cheaper elsewhere was linen, which was the manufacture of Ireland. For himself, however, he had no difficulty in declaring, that all the protecting duties (as they were called) at present in existence in this country, were but so many clogs and impediments to our commercial prosperity; and that, whatever might be the gain, which must be partial and comparatively insignificant, derived probably to the most insignificant in trade, the effect of the whole system must be, that the produce of our natural wealth was considerably diminished.

But, reverting to the main question, and bearing in mind the grounds stated by the right honourable opener, he maintained that no necessity was made out for any departure from the main principles of trade, to the justice of which that right honourable gentleman bore testimony. If the proposition before the committee were merely a temporary measure, to relieve any temporary pressure upon the farmers, he confessed that he should have felt much more difficulty in opposing it; but, as a measure of permanent legislation, he could not hesitate to enter his protest against it. Sympathy for the suffering of individuals would naturally dispose one to plead for the former; but every consideration of sound national policy, which he was able to appreciate, urged him to resist the latter. But the object of granting temporary relief to individual distress had been disclaimed by the advocates for the proposition before the committee, who thought proper to rest their pretensions upon considerations of permanent policy; and here he was at issue with them. He was aware of the distress of the agriculturists under existing circumstances, and he had all due feeling for their situation; but, then, he recollected the cause of that situation, which recollection was necessary to a due estimate of the policy of this measure. The present distress of the agriculturists was owing to the great stimulus which the circumstances of the war had given to agriculture; which stimulus was now withdrawn. The operation of that stimulus, which offered a strong proof of the prosperity and health of our commercial system, encouraged the farmers to offer exorbitant rents for land, and also to lay out large sums upon that land; they must naturally suffer by the cessation of such a stimulus. They had, in fact, been too sanguine in their speculations, and hence the losses of which they now complained. But the farmers were not the only persons who suffered from too extensive speculations. Such sufferings, also, too frequently happened in every branch of trade, and did it therefore follow that an application should be made to parliament to repair the loss? It would, indeed, be impossible for parliament to make good such losses; and it would be unjust to make an attempt to withdraw from the profits of other classes of the community,

to repair the losses sustained by any class of unsuccessful speculators.

But in considering the case of the agriculturists (as an exception was demanded in their favour), in looking at their present difficulties or losses, the House was called upon, in justice, to look also to the cause of that loss, which naturally brought into view their antecedent profits. The most interesting distress among the farmers — that which in his mind was most entitled to commiseration, was certainly the case of the agriculturists of Ireland: but that case also was the result of the artificial stimulus given to Irish agriculture by the peculiar circumstances of the war. No one, he believed, felt a more lively concern for the interest of Ireland than that of which he was sensible, and which should always regulate his conduct, as he thought it must the mind of every man who duly appreciated the general interests of the empire. He was therefore happy to witness the pregnant proof which the present situation of Ireland afforded of its advancing prosperity. For that situation served, in his view, to demonstrate that its commercial enterprise had of late years been considerably exerted, and that a great quantity of capital had been employed in that most useful branch of industry, its agricultural pursuits. Ireland had therefore experienced a check from the conclusion of peace — (a smile on the other side of the House) — Gentlemen might smile, he said, but he would maintain that this check afforded a proof of the advanced prosperity of Ireland. For the present was notoriously the first instance on record, in the history of Ireland, in which that country had experienced any check in its domestic circumstances, from the conclusion of peace by the mother country; and this check he regarded as an evidence that it partook of our prosperity, the interruption of which naturally occasioned a participation of our losses. Then, as to the disadvantage resulting to the lands lately applied to tillage in this country, upon which a large sum must have been expended, he was fully aware that that disadvantage was entitled to consideration. This disadvantage must be universally regretted. But what relief could be expected by the sufferers from the proposed measure, especially if it were true, as the advocates of this measure

alleged, that the effect of it must be to reduce the price of corn? According to the deposition of witnesses before the committee, 96*s.* per quarter was necessary to enable farmers to grow that article; nay, according to the allegation of some gentlemen, less than 135*s.* would be insufficient; and how then, in the name of common sense, could the sum be deemed an adequate remuneration for this species of culture? Or still more, how could the proposed regulation operate to reduce the price of corn? How, indeed, could gentlemen who supported these depositions and allegations, plead for a measure so self-destructive as the present? The light lands, or those lately devoted to agriculture, must still suffer all the distress that was deprecated, especially through the competition of the more fertile soil of Ireland, and the richer lands of this country; and the result must still be to throw those light lands out of cultivation.

With respect to our independence of foreign supply, he was ready to admit, that if a dependence upon foreign supply were likely to be the result of the existing system, that likelihood would form a legitimate ground for the proposed measure. [And here the honourable and learned gentleman took notice of the exception of Dr. Smith with regard to our navigation law, which exception referred to a provision for our national safety, which was, in all cases, a predominant consideration. But returning to the apprehension of our dependence upon a foreign supply of corn, the honourable and learned member treated that apprehension as quite exaggerated and visionary.] Indeed it had been, he observed, most tenaciously maintained by the advocates for this apprehension, that it would be impossible for the whole navy of England to import any very large proportion, much less an adequate supply of corn, for our subsistence. This, however, these gentlemen seemed to feel an admission hostile to their own proposition, and therefore, in order to take off the weight of such admission, they asserted that even a small quantity of imported corn would have a material effect upon the market price. This, however, he could not admit. A comparatively small quantity of imported corn might affect the market price upon a particular day, or for a few days; but the price must

ultimately and permanently depend upon the proportion of the supply to the demand, and the proportion of supply from abroad was in no degree likely to be considerable. But supposing the supply to be even considerable, the apprehensions expressed on this subject were still, in his mind, exceedingly exaggerated and fallacious; nor was it even probable that we should have to depend upon foreign supply to such an extent as to endanger the interests of our own agriculture. A great deal of this apprehension had been propagated, which was negatived by the papers on the table, especially with regard to the supply derived from what was called our natural enemy. He would readily admit, that if it could be rendered apparent, that in any event we should have to depend upon France for food, a protecting duty, as it was termed, should be immediately granted to avert such a calamity; and to this grant he would accede, not from any commercial jealousy, which he should always deprecate, but from political jealousy, to which it would, in such a case, be our duty to attend. But what was the fact? Was France a corn-exporting country? Did it not appear from the papers on the table that our great import of corn had been, not from France, but from Holland and from Belgium, the sovereign of which was of our own creation? Thus we derived a supply of corn, not from a natural enemy, as France was denominated, but from our own probably permanent ally. But France could never be regarded as a great exporting country of corn. If she were, it would be a proof of her impoverishment; for no rich country was ever a great exporter of corn. No; the poor country was always the exporter of that article to the rich, for which she received manufactures in return. France had, in fact, become for the last year an exporter of corn, in consequence of an exceedingly redundant harvest, and from the same cause she was an exporter in the year 1810. But France could never be expected to rival this country in agriculture; for from every information that had reached us, her system of agriculture was exceedingly inferior to our own, while her grain was also materially inferior in quality. How, then, could it be apprehended that we should have to depend upon that nation for supply in any event, especially when we had to look not

only to Holland as a medium for furnishing the produce of the banks of the Rhine, but to Flanders, to the Baltic, to Poland, and to America also? With a peace, indeed, so consolidated, as the gentlemen on the other side promised, he thought all apprehension on this score quite visionary. But even calculating upon the renewal of war, or the reappearance of some extravagant tyrant, who, with a combination of all the powers of Europe, should speculate upon our total exclusion from continental commerce, he should still think such an apprehension groundless. For it was notorious from experience, that even when the experiment of this exclusion was made, namely from 1810 to 1812, a larger importation had taken place into this country, especially from France, than was ever known within the same compass at any former period. The apprehension, then, of depriving this country of foreign supply must, under any circumstances, be regarded as totally chimerical. As to a provision to guard against fluctuation of prices, which the advocates of the measure before the committee promised, it would be found that for the last seven years, when our importation of corn was greater than at any former period, the fluctuation was much less than during any period of the same duration since the Revolution; and this fact he had ascertained by examining the Eton tables. Within the last seven years, too, it was notorious that our agriculture had been in the most flourishing state, much more flourishing, indeed, than when it was most the fashion to grant bounties upon the export, and to impose restrictions upon the import of corn. So much as to the pretence of a steady price, which was looked for by some gentlemen as the result of the proposed measure. In his opinion, however, the best security for a steady price — that is, for a fair price to the consumer, was not a measure the witnesses adduced to support which deposed that 80*s.* or even 96*s.* was necessary to enable the farmer to grow corn, while its advocates argued that its tendency would be to reduce the price of that article, but to leave the dealer in corn subject to this impression, that if he raised his price to an undue rate, corn would be imported. This impression, he conceived, and common sense would sanction the conception, would be the best means

of keeping corn at a fair price, and correcting all excesses. On these grounds he felt himself called upon by an imperious sense of duty to resist the proposition before the committee, more especially as no ground of necessity was shown to support it, and as all the arguments adduced in its favour appeared to him utterly fallacious. At the same time he begged it to be understood, that he was most anxious for the interest of agriculture, which he conceived essentially important to our domestic trade, compared to which indeed he regarded every other branch of trade as nugatory. But the proposition before the committee was in his view materially adverse to that interest.

Having said thus much as to agriculture, he thought it proper, as connected with this subject, to advert shortly to the state of our manufactures, the condition of our labourers in husbandry, and the nature of our finances. As to the first of these, namely, our manufactures, he would ask, was it necessary at this moment to enhance the price of our manufactured articles? The necessary requisites to enable us to preserve our superiority in our manufactures were two, capital and skill. These were not necessarily domiciled in this country; but might, like any of the other goods of fortune, take to themselves wings and fly away; and it was no unfair or unreasonable thing to conjecture, that if to the difficulties under which our manufactures now laboured, were added the proposed regulations as to the price of corn, those would be speedily followed by a departure from this country of the capital and skill which had hitherto given life to our manufactures, seeing we were about in the same breath to multiply the taxes on our manufactures, and to increase the price of corn. The second point to which he had referred, was the condition of labourers engaged in the affairs of husbandry. This, he agreed, did not depend on any defect in the system itself, but on the poor laws, and the mal-administration of them, by which part of the wages of the agricultural labourers was in some districts paid out of the poor-rates. There could, he thought, be no difficulty in framing a law to reach this subject; but certain gentlemen thought it more meritorious to pay such labourers out of the poor-rates, than

to suffer an advance of wages to take place; and the very same persons who were outbidding each other in the purchase of leases of lands, seemed the most misgiving as to the price of labour. It was the high price of corn which had produced this, and would continue it. There was no other way of liberating our peasantry from a state of villanage than by restraining the price of corn. What could be more degrading than that a man in the vigour of healthful labour should receive the allowance of a pauper? It reduced our free labourers to a state of bondage; and this enormous mischief the present measure had the strongest tendency to increase. The third point to which he had alluded, was that of our financial arrangements. The price of the necessaries of life must either enter into consideration in all the arrangements of government, or of the greater part of them. It might be asked, How would you pay the dividends on the national debt, unless you were to keep the rate of provisions high? To this he could only say, that it was true the country had raised large sums at a diminished rate, and that they would have to pay them at a higher rate on account of the artificial state of their money; but was any man hardy enough to say, that that artificial state ought to be kept up? If so, that man must be guilty of a continual fraud on those great creditors of the country on whom this deceit had originally been practised. Observe, then, what was our situation. With exhausted manufactures, with a debt accumulating out of all proportion, and with our labourers paid out of our poor-rates, were we still to lengthen out this artificial mode of proceeding? The man who could look such a situation in the face, had stronger nerves than he had. The best course, according to his idea, was to do nothing. Eighty shillings per quarter was a *minimum* which, he was satisfied, even from the evidence before the committee, it was not necessary to fix; but the *minimum* might have been safely fixed at a much smaller sum.*

* On the 20th of March, the Common Council of the City of London voted thanks to Alexander Baring, Esq. and Francis Horner, Esq., "for their able and indefatigable exertions in opposing the corn bill in the honourable house of commons." — Ed.

VI. JURY TRIAL IN SCOTLAND.

6th March, 1815.

THIS speech is not mentioned in Hansard's Debates; but Mr. Horner, in a postscript to a letter to Mr. Murray, dated the 3d of April, says:—"Kirkman Finlay urged me to give him a note of what I was surprised into saying upon the Jury Bill, when Sir George Clerk presented his petition from Mr. Justice Macfarlane and others against that measure; and he now informs me that he had sent me a Glasgow newspaper in which the note I gave him is printed."

The copy of the speech, here given, is that which appeared in the Glasgow Courier of the 25th of March. It was introduced with the following note from the Editor:—

"The speech of Mr. Horner, in the House of Commons, on the reading of a petition from a number of the freeholders and justices of the peace of the county of Edinburgh, against some of the clauses of the Scotch Jury Bill, having been imperfectly reported in the London papers, we are happy to have it in our power to give a correct statement of what he said, which we have received from a gentleman who was present on the occasion."

MR. HORNER said, that nothing could be more unfounded than the statement made in behalf of the petitioners, that time had not been allowed for the consideration of this measure. The Bill had been introduced in the other House on the 1st day of December last, and copies of it were in circulation through Scotland before Christmas; there had been the whole interval, an unusually long adjournment, for the contents of the Bill to be examined, as he knew they had been with the utmost care, and with the best results, by those persons in Scotland, who were most capable of understanding and discussing them, and of stamping, by their approbation, an authoritative sanction on a legislative measure of this de-

scription. It was in consequence of discussion in Scotland that the Bill had received many useful and important amendments in detail. Nothing could be less reasonable, than to suppose, because such suggestions were adopted into the Bill, and other alterations for the better occurred in its progress through the other House, that therefore further delay may be asked for, until all these alterations might be considered by the country at large. Such an expectation was wholly unwarranted by the practice of Parliament, the discretion of which would in a manner be superseded, if in any stage of a Bill when amendments were made, there was to be a halt until an appeal could be had to persons at a distance. Before this petition came in, the committee had been postponed to the 4th of April, and he trusted that beyond that day there would be no further procrastination.

Objections were made in this petition to three different points in the detail of the Bill, on which he would take the present opportunity of saying a few words. The first respected the qualification of the judges of the new court; one of whom, as it now stands, may be an English barrister, not legally qualified to be appointed a senator of the College of Justice. Upon this point, as he had hinted on a former occasion, his opinion coincided with that which was intimated in this petition; and when the House went into a committee, he would propose to amend the Bill in that respect, and to relieve it from what he thought a well-founded objection.

He knew well, that like all the other provisions, this one in particular had originated in the most sincere and conscientious anxiety to render the Bill effectual for its great purpose, of engrafting trial by jury upon the law of Scotland; with such regulations in the first instance as were calculated to ensure success in so material a change. But after much reflection he had convinced himself, that it would be unadvisable to have an opening for the nomination of any person to be a judge of the new jury court, who was not qualified according to the present law to be a senator of the College of Justice. It seemed to him of the highest expediency, looking as far forward as one could, that the independent jurisprudence of Scotland, according to its ancient custom of property and

private right, should be maintained unimpaired and unmixed, entire and clear. The integrity and independency of that law are a fundamental part of the constitution of these kingdoms, solemnly fixed at the Union, wisely so fixed. The diversity of laws, in kingdoms united like these, though attended with some inconvenience, is a disadvantage not to be compared in magnitude with the evils of uncertainty and fluctuation in the rules of property and private rights. Upon the uniformity and steadiness of the leading doctrines of the common law in every country, the efficacy and authority of justice mainly depend; and there is no reasonable security for the uniform tradition of the great rules and doctrines of law, except in the lineal succession of judges professionally bred and practised in that particular system. Men taken from the practice of another system must be expected to carry with them the habits of that which they leave, and cannot refrain from inoculating their settled notions upon the new one to which they are appointed. Such foreign admixture would throw loose settled authorities and known rules, and no adequate compensation can be gained. The excellencies that are proper to separate codes of municipal justice are not communicable in this way to each other, for the merit really lies not in a single principle of the law taken by itself, but in its harmony with many others, which in process of time have gained a mutual adaptation.

He said that one of the reasons which weighed most with him, for giving Scotland the benefit of juries in civil causes, was that he regarded that form of trial as so congenial to the spirit of the Scotch jurisprudence, that he expected it would be found in the end to contribute to the preservation of that jurisprudence in all its peculiar principles and maxims. But to make sure of this, he was satisfied it was necessary that juries should not be set to the trial of issues, except under the guidance and discretion of judges well versed and skilled in all the doctrines and learning of the law of that country.

With regard to the next objection urged in the petition against the agreement required of the jury in their verdict, he entirely concurred in the sentiments of the right honour-

able gentleman (Mr. Dundas), that this requisite was of the very essence of the measure, and that if the prejudices of the country, for want of information, were as strong as was represented, it would be better to postpone to another time this great improvement, than to introduce the institution into Scotland mutilated, and wanting what gives it all its vigour. We have known it in this country for more than seven centuries, a larger experience than the usual course of human affairs admits of; and we were not prepared to admit to modern casuistry, that in this long tract of time all the juries of England had been administering justice through perjury. No one who had a practical knowledge of English juries in their actual operation, entertained the slightest doubt, that the agreement required of them before their verdict can be taken, conduces to the true and just trial of the issue, to the more patient, considerate and reasonable discussion of the evidence among themselves, and to the more satisfactory and conclusive authority of the verdict when pronounced. It was upon the experience of England, that this noble institution was recommended to be adopted, or rather to be revived, in Scotland; but it would be casting aside the true result of that experience, if a tribunal of quite another constitution should be introduced.

If the Scots will have verdicts to be decided by a majority of the jurymen, they ought to be made aware, that in that case they are receiving a novelty which has no experience in its favour, and which assuredly is not the trial by jury, that we know in England. But Scotland itself is not without its own experience in favour of unanimous verdicts. For a hundred years and more, they have had a court of exchequer in that country, in which all verdicts must be so taken; and the clause complained of in the present Bill is in the very words of the act of Queen Anne, which established the court of exchequer. The most important of all issues that can be submitted to a jury, the deliverance between the king and a subject indicted of high treason, must, in Scotland, as in England, be found by a jury all agreed in their verdict, whether it be a verdict of guilty or not guilty. Even in the court of justiciary, a recent act of parliament, allowing of

oral verdicts when the jury are agreed, shows that there is a tendency in the modern course of the criminal law of Scotland, which that useful statute will confirm, in favour of verdicts formed by agreement.

The last objection made by these petitioners to the present Bill, was, that it did in terms confine the trial by jury to mere issues in matters of fact, as it was originally expressed. There was a danger, the petition would have it, that Scotch juries would be allowed to try what the petition calls general issues. He said he should be apt to conjecture, that this objection did not come from any person who knew much either of the law of England, or the law of Scotland. The alteration of expression that had been made in the Bill, by leaving out the words "matters of fact," was necessary to render it consistent, and to render its enactments applicable to their purposes.

If the jury could never have any occasion to be directed in matters of law, why any provisions for securing to parties an appeal against misdirections of the judge at the trial? No human being would ever think of ascertaining, by the verdict of a jury, any thing but fact. Yet it required very little insight into law, to be made sensible, that perfectly to detect the fact of an issue from all matter of law, was in most cases a process of nicety, and in many instances was wholly impracticable. To say that no issue shall be sent to a jury, in which they can possibly stand in need of the direction of the judge in points of law, is nearly equivalent to a negative of all trials of issues by a jury. It is the business of the judge to clear for the jury the mixed question of law and fact, when the question for their consideration is unavoidably a mixed one, as it is the duty of the jury to take the law from the direction of the judge. To effect the separation of facts in an issue from the law bearing upon them is, as far as it can be effected, the province of what is technically called pleading, which more or less forms a part of every system of law, but has never been carried to any great degree of accuracy and precision, except where trial by jury is established. And one of the chief advantages of civil trial by jury, with a view to fixing the rules of law with greater certainty, is, that

more than any other contrivance, it facilitates the analysis of complex issues into matter of fact and matter of law. This was an objection which could not be insisted upon by any lawyer who was friendly to the object of the Bill, and understood it.

He concluded with expressing his conviction, that the final object which the Bill had in view, was the greatest improvement of which the administration of justice in Scotland was susceptible; and that the present provisions of the Bill, with the single exception he had before adverted to, were framed with much wisdom for attaining that object. It had cost him at first some difficulty to assent to the discretionary power, which is entrusted to the Court of Session of directing issues. But he saw that the change could not with safety be made, unless it was made gradually and experimentally under the eye of Parliament watching the progress of the experiment, and he was reconciled to this unavoidable compromise of principle by the express declaration on the face of the Bill, that it was only for the period of this temporary act, and for the sake of trying the experiment with more caution, that a discretion of such a nature was thus entrusted to the court.

VII. TREATIES OF PEACE.

20th February, 1816.

(Vol. II. p. 311.)

MR. HORNER began by apologising for troubling the House at a late hour, and for entering on a discussion so entirely above his powers. Nothing, he said, would have induced him to do so, but an anxiety to have his opinions on the subject of the treaties clearly understood; and though these opinions must, in many material points, differ from the opinions of some who had preceded him, yet there was one point on which, though it might seem already hackneyed, he wished for a moment to touch; for, whatever his opinions might be as to the principle of the war, and the negotiations by which it had been terminated, he was not slower than any other man to exult at the splendid success of our efforts in arms. Our gallant servants had performed their duty with an heroism unexampled; they had not only given us a leader of unrivalled eminence, but had placed the character of the British army above all comparison. It had, since the Battle of Waterloo, been admitted, even by the confession of an enemy, that the infantry of England had no equal. He did look on this as a great acquisition of glory, a great acquisition of strength; and his prayer was, that the military strength thus acquired might be properly made use of. The proper use of that strength was, first, to reserve it for the defence of our country; and, next, in foreign interposition, when that interposition should be clearly and absolutely necessary to our welfare; but we were to remember that it would be employed unnecessarily in continental quarrels, or in projects of unjustifiable ambition. It was obvious that they had mixed up the whole of their transactions with French politics; and though it was impossible for the House not to entertain some feelings on that subject, yet they ought to interfere with it as little as

possible. By an unnecessary interposition, they would be unavoidably led to involve themselves in the factions and views of their neighbours, and be drawn out of the circle of their own affairs, which were quite enough for them, without considering whether this or that form of government was most beneficial to the people. His main objections, however, to the treaties were, that they did not provide that security which the country had a right to expect; and it demanded the most serious consideration, that in prosecuting the war to an end, his Majesty's ministers had at last disclosed that important project which they had so anxiously disavowed at first; namely, the determination of forcing the Bourbon family on the throne of France, contrary to the faith of the crown, contrary to the pledge which had been given to parliament, and in direct violation of the solemn engagement and promise to the nation of France at large. On former occasions the noble lord had expressly avowed, that the professed object of the war was of a very different nature. The idea of forcing any particular person on the French had been repeatedly disclaimed, on the principle that it was carrying their measures further than the justice of the case allowed: but now, forsooth, it was openly, and without a blush, acknowledged, that however the national honour had been violated, it had always been considered that such a result of the contest would be satisfactory. It was now too late, indeed, to say, that they had not resolved to interfere with the internal government of France; but they excused themselves by saying, that they might interpose on a necessary occasion.

It must, indeed, be within the recollection of the House, that when it was put to the noble lord, whether the restoration of the Bourbons was the object of the war, he distinctly and repeatedly disclaimed it. It was notorious, that upon this understanding, several gentlemen in that House voted for the war. Yet it was now evident from the treaties upon the table, that the restoration of the Bourbons and their maintenance upon the throne of France, was really and truly the object of the war. Why, then, was not this object openly and manfully avowed at the outset? With what view was it disguised? Why, obviously for the purpose of obtaining

votes in that House, and practising delusion upon England, upon France, and upon Europe. The effect of this delusion and duplicity upon France was, as he understood from the best authority, to dispose the well-informed and the reflecting part of France, who belonged to no faction — who were as hostile to Buonaparte as they were indifferent to the Bourbons — to look to the allied armies as deliverers, as about to afford the French nation an opportunity of choosing a government agreeable to its own wishes and interests. The effect was indeed such as to neutralise a great and respectable proportion of the French, who, instead of supporting Buonaparte, rather endeavoured to keep down the spirit of the people, and induce them to confide in the declarations of the allies. Many Frenchmen believed those declarations, confirmed as they so often were by the solemn pledges of the ministers of England. But the believers were dupes. For himself as well as for several of his friends, he could state that he never was duped by these declarations, or by the pledges of the noble lord, because he always thought that to be the sole object of the war, which events had demonstrated. But he would ask some gentlemen in that House who thought differently, who grounded their votes upon an entire credit in the professions of the noble lord, how they now felt? He would appeal to the whole House, to parliament, and the country, what ought to be the feeling of a proud and honest nation, tenacious of its character for good faith, upon comparing the pledges of its government at the commencement of the war, with the conduct of that government at its conclusion. Was there to be no faith, then, in these solemn promises? Could it be a satisfactory feeling to any honest member, who possessed the generous spirit of an Englishman, to know that the engagements of ministers with the French nation had not been kept? His Majesty's government had declared manfully, boldly, and plainly, what their purposes were; but it was one of the most melancholy features of the times that the bonds of political faith were not so strong as they used to be. Whatever doubt might exist in some minds as to the import of the declaration on which the war was commenced, there could be no possible misunderstanding as to the object of the treaties. It was no

longer to get rid of the dangerous ambition of Buonaparte; it was not to prevent the military power of France from encroaching on neighbouring states. No! it was to maintain the family of the Bourbons on the throne, whatever might be the feelings of the people towards them. If it were pretended, as he understood it had been somewhere said, that the conduct of the French army in invading the Netherlands released the Allies from their pledges not to force a government upon France, he would ask the noble lord and his colleagues, whether they, who always alleged that the French people were hostile to Buonaparte, and that he was supported only by the army, could consistently maintain that the conduct of that army could release the Allies from their solemn pledges to the people, not to force any particular government upon them? But yet this government was imposed upon France, and it appeared that with a view to maintain it, certain precautionary measures, as the noble lord termed them, were adopted. Among those measures a large pecuniary contribution was levied, and this contribution the noble lord called, rather singularly, a main feature of the tranquillising policy to be acted upon towards France. This was really a most extraordinary view, perhaps peculiar to the mind of the noble lord; for it was the first time he had heard, that to subject any people to a large pecuniary contribution was a good mode of producing their tranquillity. Certainly the noble lord could not have learned that doctrine in England, where a large pecuniary contribution was not very apt to produce popular tranquillity. Indeed, he rather apprehended that an opposite feeling would arise in this country, if that contribution were enforced by a foreign army. Why, then, should the noble lord calculate upon a different result in France? But upon this point it seemed that according to the doctrine of some gentlemen, the contribution raised in France, instead of falling into the pockets of the people, and being placed under the controul of parliament, was to become the property of the privy purse, to be applied, perhaps, to enable the Pope to carry home some works of art from Paris, or to erect a statue to Henry IX. (Cardinal York.) He wished, however, that this novel doctrine might

now be repelled, as inconsistent with the constitution and laws of this country. But as a further precautionary measure to keep the Bourbons upon the throne, it appeared that 150,000 men, composed of different nations, were placed in France. So it was calculated that the presence of this foreign force, under the command of a general, who was a native of a country always the rival of France, was likely by degrees to reconcile the French people to the government which that force had imposed upon them. But what could be the character of the minds which entertained such a calculation? Would not every rational being rather conclude that the presence of such a force must serve to form a perpetual fester in the breast of France, instead of contributing to the tranquillity and contentment of that country? But, according to the express opinion of some gentlemen, that which was most galling and offensive to the French formed an argument to justify the expectation of order and repose. Those only, however, who entertained such a singular notion could, he believed, concur in the views of the Allies in placing an armed force in France. And what estimate must those gentlemen have formed of the character of the French people — distinguished as that people always were for national pride and military spirit? How, he would ask, was that proceeding likely to operate upon them, which was calculated to rouse the most sluggish nation upon earth? How were the French people to feel towards a sovereign twice forced upon them by an army of foreign bayonets? For when that army was on the first instance withdrawn, that sovereign was soon compelled to quit the country; and he would put it to the candour of any man, if the French people were friendly to that sovereign, why should it be necessary to maintain him on the throne by the assistance of a foreign army? The dilemma was obvious; — either the French were friendly to the king, or they were not. If the former, the foreign army was unnecessary to the maintenance of the king; but if unfriendly, the presence of this army was calculated to augment their dislike. For what could be more galling to a Frenchman, than to suppose his king guilty of that which was the greatest treason any sovereign could commit, namely, that

of inviting the assistance of a foreign force? While the French were our active enemies in war, we must rejoice in their defeat; but now that they were completely fallen, must not every considerate man feel for a people so circumstanced? Was there, besides, no danger to be apprehended from the result of a national movement against the army by which the French were so grievously oppressed? The great power of the Allies would no doubt defeat such a movement; and could any man doubt that the effect of such defeat would be the dismemberment and partition of France? What, then, would be the consequences? It would, perhaps, be said that no danger whatever was to be apprehended from the ambition of any of the Allies — that none of them were capable of meditating any wrong. But the noble lord had written much against the plans of aggrandizement entertained by Prussia. His letter to Count Hardenberg, on this subject, was in the recollection of the House, as was the treaty which he concluded in January 1815 with France and Austria, to guard against the danger of those plans. And here he must observe in passing, that while the noble lord himself declaimed against the views of Prussia, he was quite in a rage if any observation whatever against any of our foreign allies happened to proceed from the opposition side of the House. But to return to France. If that country should be dismembered — if it should cease to be a substantial power in Europe, by the division of its territory among the despots of the North, what then would be the state of this country? In such an event what must be the amount of our establishments, both naval and military, in order to guard against the dangers naturally to be apprehended from the occupation of France by those formidable powers? Now, as to another point. It was stated by the noble lord, that he was pressed by several reflecting persons in France to secure the guarantee of the Allies to the maintenance of the constitutional charter. But to this the noble lord refused to accede, while an unreserved guarantee was granted to maintain the king upon the throne. No stipulation was made to support the constitution, which, by the bye, had since been repeatedly violated. While every arrangement was made that appeared to the Allies necessary to provide for the maintenance of the

king, nothing was done to preserve the privileges of the people. The Allies, in their eagerness to support the former, overlooked the conciliation of the latter, although that conciliation would have been the best policy. But such policy was not within the consideration of despots. — Here he felt it necessary to make a few remarks upon the assertion of the noble lord, that the whigs of the present day forgot or departed from the doctrines of those whom the noble lord called their progenitors. But this assertion was grossly erroneous, as would appear upon a review of the address moved by Mr. Fox in 1793. For in this address that great man did not propose to protest against our interference in the affairs of any foreign state as a general principle, but against such interference under existing circumstances. The effort, therefore, to fix any imputation upon those whom the noble lord denominated the modern whigs, by contrasting their conduct with that of the old whigs, was totally ineffectual. The noble lord's cry of victory was quite groundless — was indeed clumsy. But it was strange that the noble lord should quote precedents from those whom he never before affected to admire. It happened, however, that in all the noble lord's reference to the conduct of the whigs, he betrayed a total want of historical accuracy. This want of accuracy was indeed particularly evident in the noble lord's reference to the quadruple and triple alliances, for neither furnished any precedent in favour of the noble lord's cause. On the contrary, it was notorious that, in the former, the whigs obtained a guarantee from the Allies, that they should not interfere with the right of this country to choose its own government, which choice was made decidedly against the doctrine of legitimacy and the divine right of kings; for this country on that occasion dismissed king James with his hereditary rights, and selected William, with a view to establish a government congenial to the constitution and assent of the people. Then, again, as to the triple alliance, the object of that confederacy formed by the whigs, was to withstand the principle of legitimacy by preventing the House of Bourbon from becoming possessed of the throne of Spain. How, then, could either of those alliances be said to furnish any precedent in favour of the conduct of the noble lord and the Allies, in

forcing a government upon France according to the doctrine of legitimacy? But there was a precedent on the occasion of the triple alliance, which the noble lord might have quoted in support of his views: for Louis XIV. at that time sought to force a government upon Spain, according to the principle of legitimacy; and the noble lord, in overlooking this circumstance, showed that he was quite as ill versed in tory as he was in whig precedents. The noble lord should, therefore, before he ventured to quote again, study history with more attention. But, with respect to the principle of legitimacy, he fully concurred in what the House had heard so eloquently urged in an early stage of the debate by an honourable member (Mr. Law) upon that subject, namely, that hereditary right was not essential to the maintenance of monarchy. It was, in fact, but subsidiary to that object, as our own history demonstrated. For the maintenance of this principle was subordinate to the preservation of the constitution and laws of any country, and meant not that the direct lineal descendant should be preferred, but that some such member of the family of the monarch should be selected, as might be best disposed and best calculated to maintain the laws and liberties of the country. This was the true sound doctrine sanctioned by the wise example of England. But the sole object of the late war and of the treaties which followed it manifestly was, to place a monarch upon the throne of France, without any regard to the laws, the liberties, or the wishes of the people. The restoration of that monarch was, no doubt, thought a most desirable object, with a view to re-establish the peace of Europe, by some great statesman, both in that and the other house of parliament, who maintained that this object ought to have been avowed at the outset as the great end of the war. But this object was disguised by the noble lord from the consideration of the House, although it was now evident that it was really the chief end of the war. The noble lord, no doubt, also wished to put down all the principles of the Revolution, which he might conceive a very desirable end, and it was consistent with his views that every thing that could be accomplished should be done for sovereigns, and nothing for the people. That such was the intention was pretty evident from what had taken

place within the last two years. A great statesman had often observed, that of all revolutions a restoration was the greatest, and that of all innovators an arbitrary monarch was the most dangerous. This, indeed, was fully evinced in what had taken place in Wurtemberg, in Prussia, and in certain states upon the Rhine, where nothing whatever of right was restored to the people, while the authority of sovereigns, whether crowned since or before the Revolution, was established and confirmed. The total disregard, indeed, of popular rights was manifested in various parts of the recent arrangements; but it was sufficient to refer to the instances of Venice and Genoa. But the most odious part of the late arrangements, which appeared from a treaty on the table, was, the league of arbitrary sovereigns to meet annually for the purpose of considering their interests; for what rational man could doubt what such sovereigns would, in the long run, consider their interests, how they would decide upon every indication of popular feeling, or upon any movement in favour of popular principles? The noble lord even, who was the advocate of every act of those sovereigns — who was ready to take up the gauntlet in that House for every one of them, could not be much at a loss to decide upon their probable views, if he would only take the trouble of looking with but common attention to history. Let him look, for instance, to the conduct of Austria towards Hungary and the Low Countries; let him look at the conduct of three of those sovereigns with respect to Poland. Hence it might be concluded how these sovereigns were likely to decide for their own interests, and against the privileges of the people. But it appeared, from the noble lord's own statement, how these sovereigns felt with regard to popular privileges, from the jealousy which they expressed respecting the freedom of debate in that House. He should like to know whether these sovereigns expressed that jealousy in the noble lord's presence, and whether they obtained his acquiescence. It would, indeed, be surprising if the noble lord, who had himself acquired so much distinction as a parliamentary orator, especially in favour of popular privileges, and who was said to have made such long speeches to these sovereigns themselves,

no doubt in the same strain, could silently listen to such an expression of jealousy with regard to the freedom of the British parliament. Yet the noble lord had observed, that these arbitrary monarchs were truly indisposed to follow up some arrangements which they had in contemplation for the establishment of popular privileges, in consequence of some speeches in that House. What a compliment did the noble lord thus record in favour of the virtue and firmness of these sovereigns. So, they were dissuaded from doing that which they themselves thought proper, in consequence of parliamentary speeches in England! They declined to do right, because some of them might have been censured for doing wrong — because, for instance, such an able senator as the late Mr. Whitbread — because that great man, who had, perhaps, more of the good man in his composition than any great man that ever existed, felt it his duty to expose and reprobate some act of oppression or injustice. He trusted, however, that such a feeling of duty would ever be found to prevail in that House. But, seriously, could it be believed that the sovereigns alluded to could have been prevented from making arrangements in favour of popular liberty, by any thing that happened to fall from an obscure minority in that House, seconded as their disposition must have been by the noble lord himself at the head of his immense majorities? The opinions of these military despots, on this, as well as upon other subjects, he entirely disregarded. No prospect could be entertained that any thing would be done by them for the rights of mankind. His hopes of improvement were derived from a different quarter. They were not directed to innovation, but to a beneficial change effected through the medium of constitutional organs, and the wholesome operation of public opinion. Even though there was reason to believe that the sovereigns appointed their meetings with no preconcerted designs against the liberties of the world — even although they formed no deliberate conspiracy against the rights of their subjects, still he could not but view the close association, that would appear to be established between such great military powers, without great jealousy. The great object of our late struggle was avowed to be the destruction of the military

principle in Europe, which was incompatible with the liberties, the happiness, and the social tranquillity of mankind. By unparalleled efforts, by persevering and heroic sacrifices, we had extinguished the great military despotism, which agitated and conquered and oppressed the nations of the Continent; but was the situation of Europe much improved, if the present system was to be carried into complete effect, and the late arrangements were henceforward to be universally adhered to? We had, indeed, annihilated the most extensive, the universally felt military despotism, but there were now three or four to spring up and to occupy its place. Their union, for purposes connected with their own support and extension, might be nearly as dangerous as the one from which we congratulated ourselves on being delivered. These military sovereigns were to meet and consult for their common security or mutual interests, and nothing could be done, or permitted to exist in Europe, without their consent. [The hon. and learned gentleman then went into an examination of the securities established in the treaties.] He wished to meet the question of security fairly and impartially; but he could not help inquiring at first, what were the evils against which security and guarantee were required? What were we to guard against? We were at the end of five and twenty years of convulsion, revolution, and war. In that period the institutions of society, the political arrangements, and the relative condition of the different orders in the civil state, had undergone great changes. A new spirit was created, and had operated powerfully in bringing about the present circumstances. There might be different views entertained, and there were certainly very different opinions delivered on our present situation. Some thought that the revolutionary spirit, which produced such atrocities in its first display and subsequent operations, still existed in France in all its malignity, and that its existence, in any degree, was inconsistent with national tranquillity or civil order. This opinion had been declared by many members in the House, and was entertained by a great party out of it; but he thought that it was entertained upon false and narrow views. There were other persons who took views entirely opposite, but equally distant

from reason and sound policy. They would not be satisfied, if France did not at once carry into practice all those ideas of political freedom that they entertained: they would not be contented with less than seeing France in possession of all those institutions, and that free constitution, that this country enjoyed, without taking into consideration the difference that existed between the state and the ideas of the two nations. It was needless to say that he disapproved of both these extremes. Whether the Revolution in France was good or bad, whether it had contributed to promote the liberties and rights of the nation or not, it could not be denied that there had arisen out of it a state of things which could not be altered, a spirit which could not be entirely extinguished. If the restoration of the Bourbons proceeded upon the supposition that every thing was to be restored to its former condition, and that every new interest was to be destroyed, the project could not be realised; and those who entertained it were not aware of the obstacles they would have to encounter in attempting its execution. Every thing was changed in the Revolution — property had been transferred to new hands — the people had acquired new ideas — the privileged orders had been abolished, or their claims reduced — political institutions were altered, and a new distribution of political power had established a spirit of inquiry, and a disposition to discuss the conduct of rulers was every where diffused. It was difficult to calculate the power of these changes. We might guard against the effects of them, but we could not bring things back to their former situation. Happily this was not necessary for our security, as it certainly was not practicable in its execution. The real security which was required from France, after the destruction of that military monarchy which oppressed the greatest part of the continent of Europe, combined the integrity of that kingdom with the establishment of a government agreeably to the wishes, and deserving of the confidence of the people. The hon. and learned gentleman said he would decline entering upon a discussion of the other kinds of security required against France. The question of territorial cession had been discussed at great length, and he would merely state, that in his opinion any attempt to dismember

France, instead of being likely to afford any security for the continuance of peace, would be the certain source of inquietude and danger. He would not enter upon the propriety of demanding a barrier on the side of the Netherlands, as that seemed to be of the same nature with territorial cessions; but he would say that he would place no reliance on any guarantee founded on the basis of reduction or dismemberment. There was no chance of the stability of peace, if guarantees were sought for in measures that must be galling and irritating to the French people; there was no chance of continued tranquillity but in conciliatory arrangements; there was no chance of reconciling them to Europe but by allowing them to establish the government they liked. We could never rationally entertain confidence in the pacific dispositions of people on whom we forced a government by conquest, which we maintained by arms. The sentiments of the people could not manifest themselves while a powerful army occupied a part of their territory, and might be called in to repress them. There had been a good deal said by a right hon. friend of his (Mr. Elliot) concerning the Chamber of Deputies; but he could not agree with him in supposing, that that body could be considered as an organ for the expression of popular feeling and opinion. How was the Chamber elected? It was elected by the influence of the royal power — it was filled by that execrable person Fouché, a name connected with the greatest atrocities of his country. That immaculate statesman, during the short period that he served his sovereign, had performed for him the office of selecting the deputies. The French Revolution had exhibited many scenes of cruelty, atrocity, and horror, and its principles had been often dishonoured by the profligacy of those who held them, or professed to carry them into execution; but it arose at first from a love of liberty, and had been attended by consequences of the most important kind. Any man who had examined the state of France before the Revolution, and after it, would perceive the good effects that it had produced. The great body of the people, whose interests were the most important, were raised by it in education, in character, in property, and in independence. No revolution since the Protestant Reform-

ation appeared so important as that of France. The people of France might, therefore, expect that some attention would be paid to their wishes, and that all the advantages for which they had suffered would not be extorted from them. They might expect that they should be allowed a free constitution, and would it be honourable in us to obstruct them in that object? The first men in this country had anticipated great good from the Revolution. Having thus delivered his opinion on our foreign policy, he would refrain at that late hour from any discussion on our military establishments to support it.

After what I have said of the impression this speech had made (page 312.) had been printed, I was favoured with the following extract from a letter addressed by John Whishaw, Esq. to Thomas Smith, Esq., of Easton-Grey, Wilts, dated the 28th of February, 1816.

Speaking of the debates on the treaties, he says,—"But the most fortunate circumstance in these debates, and which has contributed more than any thing else to keep up the spirits of the Opposition, was the admirable speech of Horner; which, both in the style, manner, and, above all, in the excellent principles with which it abounded, was universally acknowledged to be one of the completest performances that has been witnessed in parliament for a great number of years. It derived great weight from the opinion universally and justly entertained of the sincerity and high honour of the speaker; and produced so considerable an impression as to mark him out for the future leader of the whigs, if that station had been consistent with his professional pursuits. Probably this speech did not influence a single vote; but it lowered the tone of the treasury bench, and took away all the triumph of the reply. It was the universal topic of conversation for two or three days."

VIII. ALIEN BILL.

25th and 29th April, 10th and 31st May, 1816.

(Vol. II. p. 326.)

Lord Castlereagh, on the 25th of April, having moved for leave to bring in this bill,

Mr. Horner rose, and said: — He was not aware that any such motion had been fixed for this night; but he was anxious, in the very first instance, to give it his decided negative. He had opposed the Alien Bill of 1814, because he thought it not only uncalled for, but unconstitutional; and if at that time it was not required, there was now even still less excuse for such a measure. The noble lord had talked in his usual style — a style that had now become fashionable — of a peace alien bill, and a war alien bill. The House had heard lately of peace regulation bills, and war regulation bills; of peace bank restriction bills, and war bank restriction bills; and now it was once more to be told, that extraordinary powers were required to enable ministers to send foreigners out of the country. To the constitution such a measure was unknown, for it allowed ingress and egress of foreigners without restriction; and the reason stated by Mr. Pitt for the Alien Act of 1792 was, that it was merely to secure internal tranquillity, and not to be applied to such purposes as those to which it had of late years been perverted — the confinement and transportation of individuals who had, for some cause or other not assigned, become obnoxious to ministers. In 1793 certain principles were afloat which might be supposed dangerous to the repose of the nation; but where would the noble lord now discover any such peril? If the noble lord could furnish any from his fertile imagination, he would not find a man in the country to agree with him. He trusted, now the possibility of injury from the interference of the inhabitants of other states was removed, that the ancient and wholesome system of policy would be pursued, and that Great Britain would treat strangers with her wonted liberality and confidence, without dreading that a few foreigners, even if

they were ill-disposed, would be able to disturb her tranquillity and happiness. He must therefore solemnly protest against the introduction of this peace alien bill.

[On the 29th of April Sir Samuel Romilly said, that, understanding that the second reading of the Alien Bill was fixed for this day, he begged to state that there were some accounts for which he was desirous of moving, and the production of which he thought indispensable to the House, before this Bill proceeded through any further stage. He alluded to an account of the number of aliens sent out of this country at the instance of the minister of any other country.]

Mr. Horner said, he thought it important that some day should be fixed for the second reading of this Bill, when gentlemen might come down with a certainty of entering upon the discussion. This was impossible, he thought, to-morrow, and therefore some more distant day ought to be appointed. He could not here help alluding to the manner in which this Bill had been introduced to the House. Leave was moved for, on one night, after a long discussion, and when very few members were in the House. It was subsequently brought in, and read a first time, under similar circumstances, and at two o'clock in the morning the second reading was fixed for this day. This was a sort of precipitation which he could not help thinking savoured of a disposition to steal a march, which, with a bill of so much importance, he considered extremely reprehensible. This was a Bill which should be discussed in all its stages; he therefore hoped some distant day would be named, on which they might all come prepared to meet the question fairly.

[On the 10th of May Lord Castlereagh moved the order of the day for the second reading of this Bill.

Lord Archibald Hamilton moved that it be read a second time that day three months, and the amendment was supported by Mr. Brougham and Sir Samuel Romilly, who were answered by Lord Castlereagh.]

Mr. Horner then rose, and said, — The noble lord had set out with dwelling emphatically on the circumstances in which the measure of 1793 had originated — differing altogether as

those circumstances did from the circumstances of the present time. But the noble lord had erroneously stated the arguments of those who, in 1793, opposed the measure. No man had ever denied that an actual case of danger to the internal tranquillity of the realm would be a sufficient warranty for the enactment of such a measure. Mr. Fox had made this statement most distinctly, and had founded his opposition to the Bill on the ground that no danger existed. But he would pass this by, and ask the noble lord if there was, at the present moment, such danger as that which was assumed to exist in 1793 by the friends of the Bill of that day? Would the noble lord say that the same danger now existed which was assumed in 1793 by the friends of the Bill? The noble lord said no such thing. He could not say so, and it would be for the House to judge how far the existence of any danger was made out on which the present Bill should rest. The noble lord had said, that gentlemen on his (Mr. Horner's) side of the House were insensible to the dangers of the country in their opposition to this Bill. This he denied. They considered that for any misconduct of aliens in this country the operation of the common law would be a sufficient remedy. It was so considered by our ancestors, who, until 1793, never sought any other protection against the conduct of aliens but the common law. But would it be argued that before that period the country was in no danger from the practices of aliens? He could state several periods of our history when real danger existed from aliens, and yet no such power as that conferred by an alien act was thought necessary against it. In remote periods, when this country was disturbed by contests for the crown, and when the influence of aliens was known to be exerted against the government, this extraordinary power was not resorted to. The common law was then thought sufficient. In times when religious differences excited disturbances, and when foreigners were known to be hostile to the views of government, when so many alarms of danger were spread from the interference of the pope and the jesuits, it was not thought necessary to vest such a power in the crown. The common law was then deemed sufficient. But to come to more modern times, during the whole period from the Revolution down to

the reign of his present Majesty, would it be said that this country was in no danger from aliens? There was, during the whole of that time, a pretender to the throne, and one in whose favour it was known some foreign nations were prejudiced, and to support whom foreign factions were formed in this country; yet during all that time, and amidst all those dangers, an alien act was not thought necessary. No, the common law was resorted to, as a sufficient remedy against the efforts of aliens in those times to disturb the public tranquillity. This then, he conceived, was an answer to the noble lord's charge of insensibility to the danger of the country. The opposition of gentlemen on his (Mr. Horner's) side did not proceed from insensibility, but from a wise sensibility of the danger to be dreaded from aliens on the one hand, and from the extraordinary and arbitrary power of the crown on the other. But the noble lord had taken an extended view of the subject, and in his mind the arguments which the noble lord had used were more against than in favour of the Bill. The noble lord had taken a very extended, and indeed a very surprising view of the necessity of the measure; one different altogether from that which had been taken by Mr. Pitt. Mr. Pitt's grounds were narrow, but they were defined and intelligible. He had introduced the Bill as a war measure, but the noble lord had made his a peace alien bill; and for what? To protect the essential interests of British policy against the machinations of foreigners. But what were those essential objects of British policy? Did they consist in supporting the policy of the assembled monarchs at Vienna, or in affording secure and uncontrolled sway to legitimate sovereigns, or rather to sovereigns newly created? Was it one essential object of British policy, that a certain number of persons who had composed the constituent assembly, who had so much enthusiasm as to think they could reform the constitution of their country, should not have power to reside in any other kingdom than Russia, Prussia, or Austria? These might be considered essential objects of British policy by the noble lord; but would the House sanction or approve them? Would they, by passing this Bill, give to the crown the power of banishing from our shores the foreign

merchant, mechanic, or artist, whose exertions and industry contribute so much to our commercial wealth and national splendour? Would it invest the noble lord with a power, which he might, in order to protect the policy of Russia, Austria, France, or Spain, exert in sending such persons to the wilds of Siberia, or the dungeons of Centa? He trusted, that before they gave such a power, they would seriously consider the grounds on which it had been conferred in 1793. In the act which was then passed, what was the cause stated? Was it the undefined term "to protect the essential objects of British policy?" No, but to guard against internal danger, not from some supposed extreme cause, but from danger, — actually existing danger. [Here Mr. Horner read the preamble to the Alien Bill of 1793, which stated, that "whereas an unusual number of persons, not natural-born subjects of his Majesty, resided in the kingdom; and whereas danger may arise," &c. &c.] (Hear, hear, from Lord Castlereagh.) The noble lord may cheer (continued Mr. Horner), but would he contend that any danger to this country was to be dreaded from the foreigners who were now in it? He (Mr. H.) did not call on the noble lord to show that danger might not exist; but if it did, it might be to the Bourbons, not to this country. Then as to the statement of the solicitor-general, that the crown possessed the power of sending aliens out of the country, he contended that such an opinion was erroneous, and that the loose opinion of Blackstone on the subject was no authority, unsupported as it was by an express act or by precedent. If such a prerogative of the crown was to be proved, it should be proved positively and not negatively. In 1794, when such great research was used in order to prove that this prerogative was vested in the crown, the only instance of its ever having been exercised was found to have occurred in the reign of Henry the Fourth. It had been said that though the king had not the power to deport an alien, he had a right to order him out of the country by proclamation, and the person refusing to obey such proclamation was liable to punishment. But what was the punishment prescribed in this case? a month's imprisonment, and to be sent out of the country. Undoubtedly obedience should be paid

to the lawful proclamation of the king, but in this case the legality of such proclamation might be objected to, and it would not be proved by the punishment of the offender against the proclamation itself. The opinion of Sir Edward Northey in support of this right, he considered in the same light as that of judge Blackstone; it was not supported by authority. [Mr. Horner then contrasted the object of the war alien bill with that of the one now proposed.] The former, he observed, was to preserve the external tranquillity of the country, but the latter was intended to support foreign tyranny. It was in this view the noble lord viewed it, and it was for this purpose he wished the House to sanction it. It was an absurd argument in its favour, to say that it was not likely to be abused, because, unless a strong case of its necessity were made, such argument would go for nothing. But he contended it might be abused, and he would suppose three cases where such abuse might happen. Suppose, in the first place, envoys were to arrive from Holland to sue the Russian ambassador for the debt due from his government; that ambassador might find it convenient to apply to the noble lord to prevent this demand, and the noble lord might discover that it was an essential principle of British policy, to send the unlucky Dutchmen out of the country by means of this Alien Bill. Suppose, in the second place, a body of merchants, the subjects of Ferdinand the Beloved, resident in England, should be desirous of proceeding upon business to South America; the Spanish ambassador might give a hint that they were friendly to the revolutionary party in New Spain, and the noble lord might politely take the hint, and send these unoffending traders to Spain, to be dealt with according to the tender mercy of the monarch of that country. Such an occurrence was not impossible, though he did not mean to assert that it would occur, or that there would be any foundation for his third case; which supposed that some of the persecuted Protestants of Nismes should seek refuge in Great Britain, with a clergyman, who had formerly belonged to the constituent body at their head: the Catholic French ambassador, perhaps of the Angouleme party, might apply to have them instantly sent abroad again, and the noble

lord would have no power of refusal, since, by the passing of this Bill, he would deprive himself of the answer, that the laws of the country gave him no such authority; in such a case, even the noble lord must lament that he had been armed with a measure which precluded him from giving protection, which his own heart would yearn to afford. He (Mr. Horner) said, he would not enter into the question, either economically or commercially, but he protested in the strongest terms against inflicting upon the national character of the empire a lasting reproach by the passing of this peace alien bill. He cared not for the opinions of foreign courts, who might with reason rejoice at the measure, since it was for their benefit it was passed: in truth, the noble lord was lending himself as an instrument to foreign powers in the persecution of their subjects, and in hunting them from one end of Europe to the other. It was not difficult to understand why ministers of a certain character could not vary their measures with the varying circumstances of the times. In 1793, the House gave extraordinary powers to an extraordinary man; and because the present government found the Alien Bill upon the statute book, and learnt that it was about to expire, its revival was immediately determined upon; ministers were determined to follow the steps of Mr. Pitt, and the discontinuance of the act would be an innovation upon their system. What he required was, that the House should no longer allow this innovation upon the constitution; for until the French Revolution no such law was ever passed: he trusted that the good sense of parliament would prevail over this attempt to substitute an arbitrary statute for the common law of the land.

[The Bill was read a third time and passed on the 31st of May. On that occasion Sir Samuel Romilly moved that the continuance of the Act be limited to one year instead of two, and after he had spoken,

Mr. Horner said, — he trusted that the supporters of the measure would see the propriety of acquiescing in this amendment; as he could not suppose they acted from a blind confidence in the ministers of the crown. He had patiently waited, but in vain, for some explanation from the noble lord, of a law which was a reproach and a stain on the

character of the country. Nothing, however, was advanced beyond this, — that from mere confidence in the noble lord, such as they knew him to be, they were to depart from the ancient law and policy of the country, and withdraw from strangers that hospitable and generous reception which it had been the pride of our ancestors to afford them. The Bill was a disgrace to the character of the country, and the manner of passing it a disgrace to the character of that House.

The House divided on this amendment, when 29 voted in favour of it, and 79 against it.

IX. BANK OF ENGLAND.

24th of April, and 1st of May.

(Vol. II. p. 327.)

Mr. Horner gave notice that, on the 1st of May he should move for the appointment of a committee to inquire into the expediency, on the part of the Bank of England, of renewing their Cash payments, and into the means best calculated for effecting that object. He then moved, "that there be laid before the House an account of the nett weekly amount of the Bank of England notes in circulation, from the 9th of February, 1815, to the latest period to which the same could be made out, distinguishing post bills from notes, and distinguishing those under the value of 5*l*."

On the 1st of May he brought forward his promised motion, and said, —

It was a matter of great convenience that he had been enabled to bring forward the proposition which he had then to submit to the House before the bill for continuing the restriction act came under discussion, because it was his opinion, as it had been that of many gentlemen in the House, that when it was proposed to renew the restriction on the bank payments for two years, their attention should be called in detail, and on a specific motion, to the reasons why this restriction should be continued under the present circumstances; and on what principles, or under what motives, it was adopted as a permanent part of our peace system of finance. The surprise which he had felt when he heard of the proposition to renew the restriction on cash payments in time of peace, had been generally felt throughout the House and the country; because if any thing could be collected from the former declarations of ministers, and from the enactments themselves, it was this — that at the end of the war the system adopted in time of war should be abandoned, and that we should revert to that state of law and practice, on which alone any secure system

of finance could be founded. The proposal to renew the Bank restriction, for so long a period as two years, had had this effect — that he doubted the sincerity of the professions which had been all along made by ministers, of their desire to effect the renewal of the cash payments. The professions of the ministers had always been, that at the termination of the war the restriction should cease. Yet now, after the enjoyment of peace in reality, for nearly twelve months, and six months after the ratification of the definitive treaty, the House was called on, as a matter of course, to continue the restriction, not for such a short period as would enable the Bank to make arrangements for the renewal of their payments, but for a period of two years. This they were requested to do, without any one step being taken to facilitate the resumption of cash payments. Looking, therefore, to the manner in which his right hon. friend the Chancellor of the Exchequer, had proposed the measure, he entertained very great doubts of the professions of ministers. But, if he felt a doubt with respect to ministers, no doubt whatever existed in his mind with respect to the Bank of England. Were they not told, year after year, until they scarcely could hear the declaration with gravity, by gentlemen connected with the Bank, that their not resuming their cash payments was all a matter of compulsion — that it was against their system — that nothing was so painful to their feelings, as their being prevented from paying their notes, of every denomination, in gold and silver? He always thought, if it were a measure of compulsion, that never was resistance so weak as that which was opposed to it by the Bank. And he was of opinion, that if they were really desirous to renew, as soon as government would permit them, their payments in silver and gold, they had given, under the resistance which ministers opposed to their wishes, an example of the passive grace of fortitude which never had been exceeded. Therefore, from this day forth he should think, whatever professions that body might please to make, that they would be very well contented to enjoy all those vast and almost incalculable profits which grew out of the adoption of this measure. For, from the trammels created by it, arose a subservency in the government to the Bank, which rendered

ministers incapable of fairly going into the money market. He would not go farther into this subject, because it had already been ably discussed by an hon. member (Mr. Grenfell), whose luminous statement, founded on the most authentic documents, was on record upon their journals, and showed such an example of rapacity on the part of a corporate body, and of acquiescence on the part of a government, as stood unrivalled in the financial history of any country in Europe.

He believed, that his right hon. friend, the Chancellor of the Exchequer, had no settled system of opinions at all on this subject. He had a sort of notion, that if cash payments could be resumed, without altering his plan of finance, it would be as well if things were restored to their old order. But sooner than attempt this reform, he thought it was better to rub over this year and the next year, and to make up, by the assistance of the Bank, any defalcations that might arise in the finances of the country, however exorbitantly he was to pay for the accommodation. He had no doubt, from the renewal of this measure, being for two years, that it was intimately connected with the financial arrangements of his right hon. friend. His right hon. friend said, that his plans and the renewal of the restriction were coincident in point of time, and had no other connexion. But any man who recollected what took place at the meeting of the Bank proprietors, would form a different opinion. Early in the year, when the first bargain was about to be entered into, the proprietors were told that ministers meant to renew the Bank Restriction Act. Why was this statement made, unless to induce the proprietors to agree, with a better grace, to the loan which was demanded of them? But what other effect had the information which was given on this subject? When it was afterwards stated that the bill was introduced, there was an immense and an immediate rise in the price of Bank stock. It was said, that the Bank had no interest in the renewal of the restrictions. If that were so, it was strange that the most ignorant person in the market should at once perceive that his property would be benefited by it, and that, therefore, it was advisable for him to speculate. He believed on the occasion to which he alluded, that Bank stock rose about

18 per cent. The proposal to renew the Bank Restriction Act for two years was a most extraordinary measure, when compared with the extension of it at a former period. It was known with what trembling anxiety, in 1797, six weeks and six weeks had been added to the term of the act; and with what caution in 1802, the government, suspecting the peace of that year to be precarious, had proposed short extensions of the restriction. Even after the principle (a mischievous and fatal principle he conceived it to be) of making the restriction a war measure had been adopted, it had always been determined that it should cease six months after the conclusion of a general peace. And last year, when surely the peace did not present such a prospect of duration as at present, it was only extended to a fixed day — the 5th of July — in the following session. But now it was to be extended two years, without any reason, unless it was to be understood as the price of the loan which the Bank was to advance.

The question of the restriction had of late been put on a new ground, by connecting it with the agricultural distresses. But, if the Bank restriction was to be grounded on the agricultural distresses, why was it to be continued for two years? Was not every one more and more convinced every day, that the distress would be a temporary evil? Why, then, was not the restriction of a short duration? — Only with a view to the bargain between the Bank and the treasury. He knew this would not be avowed; but he would put it to all who were anxious for the security of the country, or desirous of preserving their own property, whether, after they had considered the circumstances he had explained, they could imagine, that this measure had nothing to do with the bargain entered into between government and the Bank? Would they vote for inquiry this evening, or give their assistance to a measure, the true object of which was not avowed, and the only reason for proposing which he conceived he had stated? On what ground did his right hon. friend mean to call on them to accede to these restrictions? And how did he mean to defend himself from the charge of not having taken any steps to compel the resumption of cash payments? These were points on which the House was ignorant, but on which it

ought to be informed. And here he wished to correct an error which had been unjustly imputed to him and to those gentlemen who coincided with him in opinion. It was said, that they wished the cash payments to be immediately resumed. They never harboured such a sentiment. They always stated that it could not be done, without precautionary measures; but they conceived that no time should be lost in giving the country full assurance that payments would be renewed, and in taking speedy measures that this might be done with safety. The measures which had been successively proposed to Parliament, were to put off, not only the cash payments, but the consideration of the means of again bringing them about.

He would ask the House, did they not feel some anxiety on this head? Had they felt no evils from the long suspension of cash payments? Were they sensible of no evils after all that had passed in the course of the discussions of the agricultural distress, during which no one had been hardy enough to deny that a great evil had arisen from the sudden destruction of the artificial prices? Would any man say that there had not been a great change in the value of money? What this was owing to might be disputed; but, for his own part, he had not the least doubt. From inquiries which he had made, and from the accounts on the table, he was convinced that a greater and more sudden reduction of the circulating medium had never taken place in any country than had taken place since the peace in this country, with the exception of those reductions which had happened in France after the Mississippi scheme, and after the destruction of the assignats. He should not go into the question how this reduction had been effected, though it was a very curious one, and abounded in illustrations of the principles which had been so much disputed in that House. The reduction of the currency had originated in the previous fall of the prices of agricultural produce. This fall had produced a destruction of the country bank paper to an extent which would not have been thought possible without more ruin than had ensued. The Bank of England had also reduced its issues; as appeared by the accounts recently presented. The average

amount of their currency was not, during the last year, more than between twenty-five and twenty-six millions; while two years ago it had been nearer twenty-nine millions, and at one time even amounted to thirty-one millions. But without looking to the diminution of the Bank of England paper, the reduction of country paper was enough to account for the fall which had taken place.

Another evil which had resulted from the state of the currency, which he had foreseen and predicted, but which had been deemed visionary, was, that during the war we had borrowed money, which was then of small value; and we were now obliged to pay it at a high value. This was the most formidable evil which threatened our finances; and, though he had too high an opinion of the resources of the country, and of the wisdom of the government to despair, he was appalled when he considered the immense amount of the interest of the debt contracted in that artificial currency, compared with the produce of the taxes. These were the two grand inconveniences which had resulted; and it was to be remembered, that the great difference during the former discussions on these subjects, was not so much in the theoretical as in the practical question. The late minister, Mr. Perceval, who had no general principle on the subject, thought, that to revert to cash payments in time of war would be so difficult that it was not worth the hazard. But he (Mr. Horner), though he thought that the renewal of the cash payments was a matter which required caution and preparation, thought that the true policy was to meet the difficulty at once, and that it was a fallacy pregnant with evil to suppose that any lasting benefit could be derived from so factitious a state of the currency. The event had decided the question. But, turning from these results, and looking forward to the operation of this restriction in time of peace, it would be found to leave us without any known or certain standard of money to regulate the transactions, not only between the public and its creditors, but between individuals. The currency which was to prevail was not only uncertain, but cruel and unjust in its operation — at one time, upon those whose income was fixed in money, and to all creditors — at another time, when by

some accident it was diminished in amount, to all debtors. Was not this an evil sufficient to attract the attention of a wise, a benevolent, and a prudent government? If they looked at the agricultural interest, was not a fluctuation of prices the greatest of evils to the farmer? For, supposing prices were fixed and steady, it was indifferent to him what was the standard. As long as we had no standard — no fixed value of money — but it was suffered to rise and fall like the quicksilver in the barometer, no man could conduct his property with any security, or depend upon any sure and certain profit. Persons who were aware of the importance of this subject must be surely anxious to know whether there were any imperative reasons for continuing the present system, to know whether it was intended to revert to the old system, and if not now, when that system would be reverted to, and what would be the best means for bringing about that measure. This was the object for which he proposed to appoint the committee, that the House might know something of the true state of the case before they plunged headlong into the system of the Chancellor of the Exchequer.

He hoped they should hear the opinion of his right honourable friend, and learn from him on what grounds the bill was now proposed, and what were the circumstances under which they might revert to cash payments. If he looked at the professions of former times, he was at a loss to know how to apply them. The reasons for continuing the restriction had been said to be our great foreign expenditure, the necessity of importing corn, the high price of the precious metals, and the unfavourable state of the exchange. These subjects had created much controversy, which he should not now renew, but which he did not shrink from, and which he thought it probable he might have an opportunity again to discuss; for, if the present system were persisted in, the exchange and the price of gold would be very unsatisfactory to the Bank and the Chancellor of the Exchequer. The opinions which he had formerly given had received a strong and unexpected confirmation by late events; but he had already modified the opinion which he had formerly given as to the price of gold. When, by the depreciation of

the currency, gold was permanently separated from paper, it was subject to all the variations in price of any other article of merchandise. On this subject it was to be remarked, that in the last year, a year of peace, gold, though lower than it had previously been, was never below 4*l.* 8*s.*, which was equal to the whole of the alleged depreciation; but now that the country banks had called in their paper, it had fallen nearly to, and would soon be quite as low as, the Mint price. Let not the right hon. gentleman flatter himself that if the Bank of England were to issue their notes to that extent, which they were likely to do upon the enactment of his bill, the country banks would not return to their former practice, and the rate of prices be affected by that practice. The House should therefore be prepared for such consequences, and in due time consider how to provide against them. To afford an opportunity for that consideration was the object of his motion, and he hoped the House would see the propriety of acceding to it. The high price of bullion, the rate of exchange, the importation of foreign grain, and the amount of our foreign payments, which were on a former occasion pleaded as reasons for the restrictions of cash payments by the Bank, could not now be urged, because those reasons no longer existed. Therefore his right hon. friend, who urged those reasons on the occasion alluded to, was called upon in consistency to support the present motion, in order to ascertain how it became necessary, after the cessation of those reasons, to continue the restriction. For himself, he could not conceive, after those reasons had ceased to exist, the measure could be justified. He had heard of publications, copies of which were pretty widely circulated, and the object of which was to show, that if bank notes were issued in the same abundance as they formerly were, prices would again rise, and the farmers be consequently benefited; that this therefore would be a good thing for the country, and that grain might probably again rise to 100*s.* a quarter. But he (Mr. Horner) could not suppose the right hon. gentleman prepared to support his measure upon such grounds; or that he would be an advocate for the issue of bank notes, with a view to raise the price of grain. For if the right hon. gentleman would do so, he must

become the advocate of one of the most monstrous projects that had ever been imagined. Projects somewhat similar had no doubt been brought forward and tried during the Regency in France, and about the same time in this country, but the result proved their fallacy. Both governments were, however, in these cases, the dupes of projectors. But if his right hon. friend should press such a project as that to which he alluded, he would not be the dupe — but the fallacious projector himself. This course, however, he could not suppose the right hon. gentleman prepared to pursue.

In what he had said, he did not wish it to be understood that his object was to have cash payments resumed immediately, but that steps should be immediately taken with a view to that resumption — that the Bank should set about it — that the directors should prepare for the resumption — that indeed both Government and the Bank should set about measures to relieve the right hon. gentleman from the dilemma in which he was placed by the removal of those causes which he had formerly assigned to justify this restriction. He would not specify any time within which this restriction should be removed—he would not even mention two years — but he could not help thinking that it was the duty of Government and the Bank at once to set about the means of accomplishing that object which the public had a right to expect. Necessity was the only reason ever urged in justification of this restriction; and when the necessity ceased, the country naturally expected that the restriction should cease also.

He should now proceed to discuss the second branch of his motion; namely, the best means by which the Bank might be enabled to resume its payments in cash. He had already observed, that he would not specify any time at which that resumption should take place, but he felt it highly desirable that measures should be taken with a view to that resumption. For instance, he thought it should be enacted, that the Bank should gradually pay its several notes according to their value. Thus, as the Restriction Act was to expire in July, it might be provided that the Bank should pay all notes of 1*l.* within six months; afterwards, its 2*l.*

notes within the next six months; its *5l.* notes within the succeeding six months; and all its notes above *5l.* after that period. By such an arrangement, the Bank would be guarded against the consequences of any sudden change, while the just claims and expectations of the public would be gratified. But before the committee which he proposed, this subject might be fully considered, after an examination of witnesses, including the directors of the Bank and others, competent to afford every necessary information.

Another subject, which would properly come under the consideration of such a committee, would be the state of our metallic currency. He had heard that it was in the contemplation of government to have a new silver coinage, with a view to relieve the country from that sort of bad English, and still worse French silver, with which it was at present inundated. This silver was indeed so very base, that it would probably be better for the country to have no currency at all, than be subject to suffer by such a circulating medium. But, in considering this subject, it would be very material to ascertain whether the new silver coinage should be according to the old standard, or whether any new standard should be established. For if the system of paper currency were to be restored to the rate at which it sometime since prevailed, it might be inconvenient and unjust to re-establish the old Mint standard of silver; for by such re-establishment, government, as well as individuals who sent silver to the Mint for coinage, would be very likely to suffer a considerable loss. It was idle to expect that good money and bad would circulate together. The Mint might be constantly at work, but not for the benefit of the public; its new coinage might be poured into circulation, but it would not continue in circulation. It would, if some regulation with respect to our standard did not take place, immediately vanish, and the expense would be incurred in vain.

He had now come to an end of the two objects of his motion — the expediency of resuming cash payments, and the most proper method of doing this. He hoped that the House would make some inquiry on the subject: he did not ask them to adopt his opinions, but at least to make some inquiry, and

not to pass on as a matter of course. If the House did grant what the Chancellor of the Exchequer proposed, they would in fact pass a bill to continue the restriction for ever. He must be an idle dreamer who could suppose, after what had passed, that the Chancellor of the Exchequer or the Bank directors ever meant to resume cash payments at all. If, then, this bill were sanctioned, as a matter of course, they made the system permanent. They set their seal to it, and must answer to the country for the consequences. He should now move, "That a Select Committee be appointed to inquire into the expediency of restoring the Cash Payments of the Bank of England, and the safest and most advantageous means of effecting it."

The Chancellor of the Exchequer opposed the motion, and, after a long discussion, in which Mr. Frankland Lewis, Lord Castlereagh, Sir John Newport, Mr. Manning, the Bank director, Mr. Ponsonby, Mr. Alexander Baring, and Mr. Huskisson spoke, Mr. Horner made, it is said, "a luminous reply."

He said,—that in any thing which he had advanced on this question, he had meant no personal disrespect to the directors of the Bank, or to their organs in that House. He had spoken of them merely collectively as a corporation, and, considering them in that capacity, he had no hesitation in repeating, that he put no confidence in their declarations, when they expressed an anxiety for the resumption of cash payments. He would not take up much of the time of the House at that late hour, and therefore would forego the tempting opportunity of exposing the inconsistency of the arguments which had been urged in support of restriction by the right hon. gentleman opposite (Mr. Huskisson), who, though he admitted the sound policy of a speedy resumption of cash payments, seemed by his speech to leave that question in the same state which it had been for some years past. As to what had been said on the subject by the noble lord (Castlereagh), he was unable to comprehend its precise tendency. He would therefore, from inability, abstain from following him. The noble lord had thrown out such a mass of language and ideas, and had made such a novel combination of twisted expressions, that it was difficult

many theories he had urged, to understand that one which applied to the resumption of cash payments, or to the manner in which they might be most speedily effected. It was possible that the noble lord held the thread which would guide him through the labyrinth of theory and phraseology into which he had gone; but, as that thread was not visible to him, he would not venture to plunge into the inextricable abyss.

Mr. Horner then took a view of the arguments which had been urged on the other side of the House in favour of restriction, and observed,—that if the expediency of the resumption of cash payments at the end of two years, which had been admitted, was put into the bill, if it was made part of the bill that the Bank should resume its payments in that time, and that the intermediate period should be spent in making preparatory arrangements for that purpose, he would withdraw his motion, and lend his aid to the forwarding of such arrangements. But this was not the intention of ministers, and by the present bill they left the time of resuming cash payments as undefined as it was in 1797. The Bank directors had once expressed themselves anxious to attend to the directions of the House; it therefore now became the House, if they sincerely wished for the resumption of cash payments, to give such directions as would most speedily conduce to that object. He had asked of the gentlemen opposite, what were those fortunate circumstances under which cash payments would be more easy than at present? To this question no answer had been given. No one efficient reason had been given why those payments should not now be resumed. Under these circumstances, then, he put it to those members who were present, whether, after all they had heard, they did not conscientiously believe that an inquiry was necessary. If after what had passed they did not vote for inquiry, they must stand to the consequences. The noble lord had talked of the bill being formed on the permissive system. Did he mean by this that the Bank would not be precluded from resuming cash payments if they thought proper? What he objected to in the bill was, that, instead of intimating the wish of the House that preparations for resuming cash payments should

be made in the interval of two years, during which it was to last, it left these preparations to be made after the expiration of the bill, and thus removed to an indefinite period the resumption of money payments. The inevitable effect of it would be, by prolonging the uncertainty and vacillation of our circulating medium, to subvert all property, both public and private. If the committee on the bill were pressed that night, he should move some clauses, in consequence of what had fallen from the noble lord.

The House divided: for Mr. Horner's motion 73; against it 146.

THE END.

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